

Party Name : GITA PAL & ORS Vs THE STATE OF TRIPURA AND ORS

THE HONBLE MR. JUSTICE S.C.DAS

Heard learned counsel, Mr. P. Roy Barman for the petitioners, learned Addl. G.A., Ms. A.S. Lodh for the State respondents and learned counsel, Mr. K.K. Pal for respondent No.5.

It is submitted by learned counsel, Mr. Roy Barman that the petitioners filed the writ petition seeking direction to the respondents to dispose their application dated 10.03.2011 and to accord permission to the petitioners to fill up the pond mentioned in the writ petition.

After filing of the writ petition the respondents disposed the application dated 10.03.2011 but did not allow the prayer of the petitioners to fill up the pond. Now, therefore, the petitioners prayed for amending the writ petition challenging the rejection order.

Learned Addl. G.A. submits that the cause of action for which the writ petition was filed is no longer there since the application filed by the petitioners has already been disposed of. So the petitioners, if aggrieved by the order may come up with a fresh petition and the present amendment petition may not be allowed.

The writ petition was filed with a prayer to dispose the application dated 10.03.2011 as well as to issue a direction to the respondents to grant permission to fill up the pond. So by way of rejecting the application of the petitioners, the respondents rejected the rest of the prayer and hence I think the amendment as sought for may be allowed which will not change the nature and character of the proceedings and for fair ends of justice and to avoid multiplicity of the proceedings I think the amendment should be allowed.

Accordingly, the prayer for amendment stands allowed.

The petitioners are directed to submit a re-casted writ petition supplying copy to the other side and the Registry is directed to list the re-casted writ petition on **10.07.2015** for order.

CM Application accordingly stands disposed of.