

Party Name : ALAK DEBNATH Vs THE STATE OF TRIPURA & ORS

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THE HONBLE MR JUSTICE U. B. SAHA

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The instant amendment petition is filed by the petitioner for incorporating the contentions made in paragraph 2,3,4 and 5 of this amendment petition as paras 12a, 12b, 12c, 12d and 12e after para 12 of the original writ petition.

Heard Mr. CS Sinha, learned counsel appearing for the applicant as well as Mr. TD Majumder, learned Government Advocate appearing for the State respondent also heard Mr. P.Roy Barman, learned counsel appearing for the private respondents.

It appears from the contentions made in paragraph 2 to 5 of this petition that the applicant is now trying at this belated stage to incorporate certain facts which happened in the year 2009 particularly the order of suspension vide memorandum no. X.368/IGP/2008/ 7662-63, dated 20.9.10 and the departmental proceeding which was initiated vide memorandum no. X.368/ IGP/2008/8071-72, dated 20.9.10.

This Court has also gone through the main prayer in the writ petition.

Mr. Sinha, learned counsel appearing for the applicant submits that the proposed amendment is necessary for disposal of the connected writ petition.

On the other hand Mr. Majumder, learned Government Advocate relied upon the objection filed by the State respondent by way of affidavit wherein it is

stated that this amendment application is not maintainable in its present form and nature inasmuch as the same does not disclose the cause of action for permitting the petitioner to bring those facts at such belated stage in the proceedings to displace the respondent from contesting the case as is stood today. He has also submitted that on the basis of and anonymous complaint, the height of Babul Rudra Paul was measured and it was found as 166.00 centimetre instead of the prescribed 167.64 centimetre, as a consequence a departmental proceeding was initiated against said Babul Rudra Pal and also 8 officials. More so, by this amendment petition, the petitioner also did not make any prayer for amending the prayer portion of the writ petition.

According to this Court, it would not be proper to allow the prayer for amendment at this belated state as that would change the nature of the writ petition also.

Accordingly, the CM application is rejected.