

14.12.2020
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W. P. A. 3128 of 2020
I A No. CAN 1 of 2020

(Via Video Conference)

Gobinda Chandra Dhar
Vs.
The Kolkata Municipal Corporation & Ors.

Mr. Srijib Chakrabarty
Mr. Sunny Nandy
Mr. Suryaneel Das
... For petitioner.

Mr. Alok Ghosh
Mr. Arijit Dey
... For KMC.

Mr. Kaushik Dey
... For private respondent.

The writ petition and connected application have been listed under heading 'To Be Mentioned' at the instance of applicants.

Mr. Chakrabarty, learned advocate appears on behalf of applicants and submits, his clients are sons of since deceased petitioner. The application is for their substitution. Delay, in filing application, if any, be condoned and the substitution allowed to enable him move the writ petition. Mr. Arijit Dey, learned advocate appears on behalf of the Kolkata Municipal Corporation and submits, the application was filed on 7th December, 2020 and as such petitioners' cause has abated. Mr. Kaushik Dey, learned advocate appears on behalf of private respondent and in his usual fairness does not

oppose though he submits, copy of the application was not served on him.

It appears petitioner died on 28th April, 2020. That was period of lockdown. The Supreme Court had taken suo motu cognizance and passed **order dated 23rd March, 2020** in **Suo Motu Writ Petition (Civil) no.3/2020** regarding bar of limitation and abatement.

CAN 1 of 2020 is allowed. Names of applicants be incorporated in the cause-title, in Court, for which leave is granted to learned advocate for applicants. Such substitution be made for applicants to be substituted petitioners. The amendment will be counter-signed by Assistant Court Officer.

Mr. Chakrabarty moves the writ petition. He submits, substituted petitioners' father was co-sharer in respect of their residential dwelling. Private respondent, their uncle, has started industry at the premises. Hence, representation dated 27th January, 2020 to be considered by licence department of Kolkata Municipal Corporation through respondent no. 4. Nothing has been done. His clients would assist on being called for a hearing.

Respondents are represented. Court deems fit to deal with the writ petition without calling for affidavits.

Kolkata Municipal Corporation through respondent no. 4 or any other authority will consider and deal with representation dated 27th January, 2020 made on behalf of deceased petitioner and pursued by substituted

petitioners. Substituted petitioners and private respondent may be called for hearing by the Corporation, if it feels necessary. The Corporation will make known its decision to substituted petitioners and private respondent within six weeks from date of communication of this order. It is expected that order to be passed will be a meaningful one.

Since the writ petition is disposed of without calling for affidavits, allegations made in the writ petition cannot be said to be admitted by answering respondents.

(Arindam Sinha, J.)