

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 3118 of 2022

Madan Gopal Das
Vs.
The State of West Bengal & Ors.

Ms. Malini Chakravorty
Mr. Arjun Samanta
... For the petitioner

The petitioner had joined Calcutta Improvement Trust, which subsequently came to know as 'Kolkata Improvement Trust'. Kolkata Improvement Trust later on merged with Kolkata Metropolitan Development Authority (in short "KMDA"). The reliefs claimed by the petitioner are, in effect, against KMDA. However, KMDA has not been made a party to the writ petition nor has there any pleading to that effect. Although the petitioner prays for adding KMDA as a party, but, in my view, the writ petition as framed even by adding KMDA as a party cannot be effectively looked into against KMDA in absence of specific averments in the writ petition.

In the aforesaid facts and circumstances, instead of adding KMDA a party, I think to avoid all future complications, the petitioner should file a fresh writ petition on the selfsame cause of action after withdrawing the present one.

The petitioner agrees to withdraw the writ petition to file afresh on the selfsame cause of action.

The time spent between 18th February, 2022 and 4th April, 2022 in prosecuting the writ petition shall be considered leniently if any objection is raised at subsequent stage with regard thereto.

The writ petition is dismissed as withdrawn with liberty to the petitioner to file afresh on the selfsame cause of action by adding KMDA as a party respondent, if so advised.

Urgent photostat certified copy of this order, if applied for, be given to the parties, upon compliance of necessary formalities.

(Arindam Mukherjee, J.)