

Item No. 12 & 13

Ct 551

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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 23644 of 2012
With
IA NO: CAN 2 of 2017 (Old No. CAN 4261 of 2017)
CAN 5 of 2025

Atmaram Kajaria & Ors.
Vs
The State of West Bengal & Ors.

WPA 3443 of 1996
With
IA NO: CAN 10 of 2025

Sri Chandra Bhan Kajaria & Ors.
Vs.
The State of West Bengal & Ors.

Mrs. Usha Maity,
Mr. Sakya Maiti,
Mr. Gourav Kumar.

... for the petitioners.

Mr. Aridam Mandal,
Mr. Arindam Ghosh.

... for the State.

WPA 23644 of 2012

In Re: CAN 2 of 2017 (Old No. CAN 4261 of 2017)

1. This is an application for substitution of legal heirs of deceased writ petitioner No.6 and deceased writ petitioner No.8.
2. On perusal of the order dated 9.10.2018, it reveals that a Co-ordinate Bench while

disposing CAN 4397 of 2017 has allowed similar such prayer and thereby necessary amendments have been made by the department in the cause title of the instant writ petition by deleting the names of the deceased writ petitioner Nos. 6 and 8 and incorporating the names and particulars of the legal heirs of the said deceased writ petitioners. Such being position, **CAN 2 of 2017 (Old No: CAN 4261 of 2017)** has become infructuous and is disposed of.

3. Registry is directed not show the pendency of CAN 2 of 2017 (Old No: CAN 4261 of 2017) during the subsequent listing of this case.

In Re: CAN 5 of 2025

4. This is an application for substitution the names of the legal heirs of the deceased writ petitioner No.1 and writ petitioner No.2, particulars of whom have been mentioned at page No. 7 of the instant application i.e. at the cause tile as well as in paragraph 2 of the said application.
5. Learned counsel appearing on behalf of the respondent/State does not oppose the prayer. On perusal of the petition under consideration and after hearing the learned advocates for contending parties, this Court finds no

predicament in allowing the prayer made in the instant petition.

6. In view of such, the department is directed to delete the names of the deceased writ petitioner No.1 and writ petitioner No.2 from the cause title of the instant writ petition and in its place the names and particulars of the legal heirs of the deceased writ petitioner Nos. 1 and 2, particulars of whom have been mentioned in the cause title of the instant application at page No.7 as well as at paragraph 2 of the instant application, be incorporated.
7. By filing the self-same application, the writ petitioners have also prayed for deleting the name of substituted writ petitioner No. 6(a) that is Smt. Shakuntala Devi Kajaria and deceased writ petitioner No. 7 Pawan Kumar Kajaria since their legal heirs and legal representatives are already on record.
8. Such prayer is also allowed.
9. Department is further directed to delete the name of substituted writ petitioner No.6(a) and writ petitioner No.7 from the cause title of the instant writ petition forthwith.
10. With the aforementioned observation, **CAN 5 of 2025** is disposed of.

WPA 3443 of 1996**In Re: CAN 10 of 2025**

11. This is an application for substitution of the legal heirs of the deceased writ petitioner No. 1(i)Chandra Bhan Kajaria and deceased writ petitioner No. 4Atmaram Kajaria, particulars of whom have been mentioned in the cause title of the instant application i.e. at page No.7 of the instant application.
12. After hearing the learned counsel for the contending parties and on perusal of the application under consideration, this Court finds no predicament in allowing the prayer made in the instant writ petition.
13. In view of such, department is directed to delete the name of the deceased writ petitioner No. 1(i)Chandra Bhan Kajaria and deceased writ petitioner No. 4Atmaram Kajaria forthwith and to incorporate the names of legal heirs of the said two writ petitioners in the cause title of the instant writ petition as has been mentioned at page No.7 of the instant application as well as in paragraph 2 of the instant application.
14. By filing the instant petition, the writ

petitioners also prayed for deleting the name of deceased writ petitioner No.2(i) Pawan Kumar Kajaria and deceased writ petitioner No. 2(iii) (a) Smt. Shakuntala Devi Kajaria since their legal heirs and legal representatives are already on record.

15. Such prayer is also allowed.

16. In view of such, department is directed to delete the name of writ petitioner writ petitioner No.2(i)/ Pawan Kumar Kajaria and deceased writ petitioner No. 2(iii)a/ Smt. Shakuntala Devi Kajaria from the cause title of the instant writ petition forthwith.

17. Learned advocate on record on behalf of the writ petitioner is hereby requested to file an amended cause title of the instant writ petition, preferably within a week from today in the department after serving a copy of the same to the learned advocate for the respondents.

18. Department is directed to tag such amended cause title at the top of the instant writ petition, if so filed.

19. With the aforementioned observation, **CAN 10 of 2025** is disposed of.

20. Registry is directed not show the pendency of CAN 10 of 2025 during the subsequent listing

of this case

21. Let the matter be listed on March 27 of 2025 under the hearing 'Writ Petition'.

(Partha Sarathi Sen J.)