

24.01.2023
Item No. 07.
Court No.6.
S. De

M.A.T. 70 of 2023
with
I.A. No. CAN/1/2023
I.A. No. CAN/2/2023

Nasir Ali & Ors.
Vs
Nikhath Parveen (since deceased substituted by)
Sk. Imran & Ors.

Mr. Shyamal chakraborty,
Mr. Mahfuzus Salam Mollah,
...for the appellants.
Mr. Afrin Nahar Mondal,
...for the proforma respondents.
Mr. Sandipan Banerjee,
Mr. Ankit Sureka,
Mr. Sobhan Majumder,
...for the Howrah Municipal Corporation.
Mr. Ujjal Roy,
...for the writ petitioners/respondents.

By consent of the parties, the appeal and the connected applications are taken up together for hearing.

An order dated December 20, 2022, interim in nature, passed in W.P.A. 8819 of 2016, is sought to be challenged by way of this appeal.

In re : I.A. No. CAN/1/2023

This is an application for leave to prefer appeal against the order dated December 20, 2022. The application has been made on the basis that the applicants are not parties to the writ petition. However, they are aggrieved by the order in as much as the order directs implementation of a demolition

order issued by the Howrah Municipal Corporation. The applicants say that they are *bona fide* tenants of the premises in question. The demolition of the premises would spell disaster for them.

Mr. Roy appearing for the writ petitioners, points out that these applicants had made an application before the learned Single Judge being CAN 9343 of 2018 for being added as parties to the writ petition. By an order dated December 5, 2018, the said application was allowed. Let copies of the application for addition of parties and the order allowing such application be kept with the records.

It, therefore, appears that the present applicants are parties to the writ petition which is pending before the learned Single Judge. We are, therefore, not inclined to interfere. The present applicants may make appropriate prayer before the learned Single Judge.

M.A.T. 70 of 2023 is disposed of along with the applications being I.A. No. CAN 1 of 2023 and I.A. No. CAN 2 of 2023.

Urgent certified photostat copy of this order, if applied for, shall be given to the parties as expeditiously as possible on compliance with all the necessary formalities.

(Subhendu Samanta, J.)

(Arijit Banerjee, J.)