

24.04.2023

Item No.8

Ct. No.1

PG/KS

W.P.A.(P) 176 of 2023

Haradhan Das & Ors.

Vs.

The State of West Bengal & Ors.

Ms. Sayanti Sengupta

Mr. Jamiruddin Khan

.....For the Petitioners

Mr. A. K. Nag

Mr. S. Banerjee

.....For the State

1. By this writ petition the petitioners seek for a direction upon the respondents not to evict them from the place where they are carrying on their hawking.
2. It is submitted by the learned advocate for the State that identical relief was sought for by other hawkers in W.P.A. 8517 of 2022 and in the said writ petition, there was initially an interim order, which has been vacated by the Court on 24th April, 2023 and the main writ petition is still pending.
3. If such be the case, the writ petition styled as a public interest litigation by another set of hawkers cannot be entertained.
4. Therefore, the writ petition is dismissed.
5. However, this order will not prevent the petitioners herein to seek for intervening in

W.P.A. 8517 of 2022, if they are so advised. If such an application is filed, it is up to the learned Writ Court to consider as to whether the petitioners should be permitted to intervene in the matter and to decide such application in accordance with law.

6. There shall be no order as to costs.
7. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(T. S. SIVAGNANAM)
ACTING CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)