

17.02.2023.
Court No.13
Item No. 544
ap

W.P.A. No. 6965 of 2020
With
I.A. No. CAN 2 of 2022
Sekh Ebadat Ali & Ors.
Versus
The State of West Bengal & Ors.

Mr. Sandip Kumar Bhattacharya.

...For the petitioners.

Mr. Soumyajit Bhatta.

...For the added respondent.

The order dated 16th February, 2023 dismissing the writ petition shall stand recalled as Mr. Bhattacharya, learned Advocate appearing for the petitioners had mentioned the matter before rising of Court on that day to explain his absence.

Re: CAN 2 of 2022

Mr. Soumyajit Bhatta, learned Advocate for the Intervenor, M/s. Jupiter Developers, seeks to be added as party respondent to the instant proceedings since he claims that the land in question belongs to him.

Having heard the parties and considered the pleading, this Court finds that M/s. Jupiter Developers is a necessary and or proper party to the instant proceedings.

Let M/s. Jupiter Developers be added as a party respondent to this instant proceedings. The registry shall carry out the amendment in the cause title.

It is submitted that the construction on the land in question has been stopped.

M/s. Jupiter Developers may take out appropriate proceedings in accordance with law with their rights in respect of the property.

CAN 2 of 2022 is, therefore, allowed and disposed of.

Re: W.P.A. No. 6965 of 2020

Supplementary affidavit filed in Court today be kept with the record.

It is submitted by Mr. Bhattacharya, learned Advocate for the petitioners that during the pendency of the instant writ petition the first petitioner has died. It is further submitted that the cause of action, however, survives since the other petitioners wish to press this writ petition.

It is submitted that the principal grievance of the petitioners has been addressed since FIR No.177 of 2020 dated 13th October, 2020 has been registered. It is further submitted that the respondents are also on bail.

Since the added respondent has not used any affidavit, the allegations contained in the writ petition are not admitted by him.

In that view of the matter, nothing further remains to be adjudicated in the instant writ petition.

The writ petition shall stand disposed of.

There will be no order as to costs.

All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)