

A-05
Ct No.09
06.07.2023
TN

WPA No. 12288 of 2023

Debjyoti Bhattacharjee
Vs.
Union of India and others

Mr. Sudipto Kr. Bose,
Ms. Lipika Nath,
Mr. Gourav Singha

.... for the petitioner

Mr. Ajit Kumar Mishra,
Ms. Tanushree Ghosh,
Mr. Abhishek Dey

.... for the respondent no.1

Ms. Sreemoyee Mitra

.... for the PNB

Mr. D.N. Sharma,
Mr. Anunoy Basu,
Mr. Shailendra Jain

.... for the respondent no. 5

Learned counsel for the petitioner seeks liberty to withdraw the petition with liberty to sue afresh on the self-same cause of action. It is submitted that certain other banks, who are necessary parties, have been erroneously left out and the corresponding pleadings in the writ petition are also missing.

Learned counsel for the respondent no.5 opposes such prayer and submits that in the event the petitioner seeks merely to add parties, the same can be applied for by the petitioner in the present writ petition itself. However, the petitioner cannot cure any

defect, which cannot be otherwise rectified, in the garb of withdrawal with liberty to sue afresh.

There is substance in the contention of the petitioner inasmuch as the mere addition of further parties may not suffice to furnish a complete cause of action for the writ petition, since necessary consequential amendments to the pleadings have also to be incorporated.

Instead of rendering the writ petition cumbersome by permitting an amendment to take place in respect of the body of the same as well as the cause title, it would be appropriate if the petitioner's prayer is granted.

Accordingly, WPA No. 12288 of 2023 is dismissed as withdrawn, with liberty to the petitioner to sue afresh on the self-same cause of action.

There will be no order as to costs.

Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)