

Item No. 6

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

20.03.2023
Ct-24

WPA 15471 of 2022
Asok Kumar Ghosh & Ors.
v.
The Midnapore Municipality & Ors.
with
CAN 1 of 2023
with
CAN 2 of 2023

Mr. Rabindranath Mahato
Mr. Aritra Shankar Ray
... for the petitioners.

Mr. Malay Krishna De
... for the State.

Mr. Sujay Bandyopadhyay
Mr. Shambhu Mahato
Mr. Jagojyoti Das
... for the Municipality.

Mr. Siddhartha Sankar Roy
... for the respondent no. 4.

The private respondent has filed an application for addition of a third party in the present writ petition. The party who the private respondent intends to implead has not come forward to be added. Neither do the petitioners intend to add the said party as private respondent.

The Court is of the opinion that the application filed for addition of party at the instance of the private respondent is an absolutely mis-conceived one. It is for the petitioners to take a call as to who should be impleaded as party in a legal proceeding. The person against whom relief is claimed or any person who may have been adversely effected if any order is passed in his

absence may be impleaded as necessary parties. A private respondent cannot seek for a direction upon the petitioners to implead a particular individual as party respondent. If the applicant is aggrieved by the act of any individual, then necessary steps may be taken to assail the action of the third party. The prayer of the applicant cannot be entertained in the present proceeding. The application for addition of party, accordingly, stands dismissed.

A further application has been filed by the private respondent no. 4 calling for a fresh report from the Midnapore Municipality. According to the applicant, all the constructions made in the adjacent land of the petitioners are unauthorized. It is the specific contention that the petitioners are also guilty of making unauthorized construction.

From the report filed by the Municipality it appears that a spot inspection was conducted upon notice to both the parties. At the time of inspection the engineers of the Municipality detected certain discrepancies.

The Municipality is directed to take necessary steps to deal with the discrepancies as evident in the report filed by the Municipality on January 3, 2023.

Necessary steps shall be taken in the matter at the earliest but positively within a period of twelve weeks from the date of communication of a copy of this order.

All opportunities of hearing to the parties shall be provided prior to taking any further action in the matter.

The writ petition and the connected application are disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

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(Amrita Sinha, J.)