

19.10.2023
Item No.22
gd/ssd

MAT/1599/2023
IA NO: CAN/1/2023
DEBJIYOTI BHATTACHARJEE
VS
UNION OF INDIA AND ORS.

Mr. Sudipta Kumar Bose,
Ms. Lipika Nath
..for the Appellant.

Mr. Sudeep Pal Choudhury
..for the Union of India.

Ms. Ameena Kabir
..for the Respondent No.6.

Mr. Bikash Ranjan Bhattacharya,
Mr. Rohit Banerjee,
Ms. Kanchan Taju
..for the Respondent No.8.

Mr. Snehashis Sen,
Mr. Abhishek Banerjee,
Mr. S. Ahmed
..for the Respondent No.9.

1. This intra court appeal is directed against the order dated 07.08.2023 in WPA 17264 of 2023 by which the learned writ court declined to grant any interim order and directed the parties to file their affidavits.

2. The learned advocates appearing for the contesting respondents submitted that affidavits have already been filed. The prayer for interim relief sought for before the learned Single Bench was to direct the respondent nos.1 to 3 in the writ petition to suspend the licences of the respondent nos.4, 6, 8 and 9.

3. In our view, such a prayer amounts to granting the main relief itself and, therefore, the learned Single Bench rightly declined to grant any interim order but having come to a conclusion that the writ petitioner has made out a prima facie case has assigned a very short date and fixed the matter with short date on 22nd November, 2023.

4. Since the pleadings are already completed, we are not inclined to interfere with the order passed by the learned Single Bench and the Registry is directed to list the matter as per the directions of the learned Single Bench on 22nd November, 2023.

5. Some of these respondents who have not filed their affidavit-in-opposition shall do so not later than 17th November, 2023. If the affidavits are not filed within the said date, it is to be filed beyond the said date, it will be subject to payment of cost of Rs.50,000/- for each of such respondent payable to the West Bengal State Legal Services Authority.

6. With the above observations, the matter stands disposed of.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)