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ORDER SHEET
WPO No.1134 of 2023
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

MITA KOLEY
-Versus-
THE KOLKATA MUNICIPAL CORPORATION & ORS.

BEFORE:
The Hon'ble JUSTICE AMRITA SINHA
Date:12th June, 2023.

Appearance:
Mr. Raghunath Chakraborty, Adv.
Mr. Supratik Shyamla, Adv.
Mrs. Sonali Sengupta, Adv.
...for Petitioner.

Mr. Biswajit Mukherjee, Adv.
Mr. Debangana Dey Nayak Adv.
...for KMC.

Mrs. Tapati Samanta, Adv.
..for the State.

The Court:- Learned advocate representing the petitioner submits that there are certain incurable defects in the writ petition and seeks leave to withdraw the same. Leave is also sought to file fresh writ petition on the self same cause of action.

Prior to making the aforesaid submission, the learned advocate for the petitioner consumed considerable time of this Hon'ble Court by placing the writ petition and praying for necessary order. Thereafter, it occurred to the learned advocate that the averments made in the writ petition and the prayers were inconsistent, not supported by necessary documents. The petitioner may not be able to obtain necessary order and accordingly, prayer has been made for withdrawing the writ petition.

Such conduct of the petitioner cannot be appreciated.

Leave to withdraw the writ petition is allowed subject to payment of costs of Rs.5,000/- in the office of the Calcutta High Court, Legal Services Authority by 16.06.2023. In the event the aforesaid amount is deposited,

then fresh writ petition may be filed on the self same cause of action upon better and proper particulars. In default to pay the costs as aforesaid, the petitioner will forfeit the right to file fresh writ petition on the self same cause of action.

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

(AMRITA SINHA, J.)

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