

AD-08
Ct No.09
22.04.2024
TN

WPA No. 8632 of 2024
IA No: CAN 1 of 2024

Tanmay Dutta
VS
The State of West Bengal and others

Mr. Swatarup Banerjee,
Mr. Avishek Guha,
Mr. Nirmalya Dasgupta,
Ms. Akansha Chopra

.... for the petitioner

Mr. Kumarjyoti Tewari,
Ms. Amtira Pandey

.... for the respondent nos. 2 and 3

Mr. Arindam Banerjee,
Mr. Suvam Sinha

.... for the applicant (intervenor)

- 1.** Learned counsel for the petitioner submits at the outset that the same Notification as impugned here was challenged before different High Courts. A Division Bench of the Delhi High Court as well as a learned Single Judge of the Karnataka High Court have already set aside the Notification.
- 2.** It is, thus, submitted that the matter may be disposed of in the light of such decisions.
- 3.** Learned counsel for the applicant in CAN 1 of 2024 contends that the applicant represents an organization which is directly interested in the outcome of the writ petition and wants to be impleaded. However, in view of the submission of learned counsel for the Union that since the Delhi High Court has already clarified in its order that the impugned Circular is set aside with a direction to the respondents to issue a fresh

Circular/Notification after giving an opportunity to all stakeholders to raise their objections, the Union does not want to prolong the litigation and are agreeable to the setting aside of the present Circular, subject, of course, to the rider as put in by the Delhi High Court, the present application has been rendered infructuous.

- 4.** It is expected that when passing a new Circular, if any, the respondent-authorities shall take note of the rider put in by the Delhi High Court and give adequate opportunity to all concerned and publish a notice to ensure that all the stakeholders are actually represented and permitted to raise their objections before the Union before passing such fresh Circular/Notification by taking steps accordingly.
- 5.** With the above observations, in the light of the submissions of the Union of India, the present cause of action is held to have been rendered infructuous.
- 6.** Hence, WPA No. 8632 of 2024 is disposed of as infructuous in the light of the above observations, by keeping on record the photocopies of the judgments handed over by learned counsel for the Union of India.
- 7.** CAN 1 of 2024 is accordingly disposed of as well.
- 8.** There will be no order as to costs.
- 9.** 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.)