

**IN THE HIGH COURT OF JUDICATURE AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE**

HEARD ON: 04.09.2024

DELIVERED ON: 04.09.2024

**CORAM:
THE HON'BLE CHIEF JUSTICE T.S. SIVAGNANAM
AND
THE HON'BLE MR. JUSTICE HIRANMAY BHATTACHARYYA**

**M.A.T. 1080 of 2024
With
I.A. No. CAN 1 of 2024
With
I.A. No. CAN 2 of 2024**

**Sushil Shikary & Anr.
Vs.
State of West Bengal & Ors.
With
M.A.T. 1083 of 2024
With
I.A. No. CAN 1 of 2024
With
I.A. No. CAN 2 of 2024**

**Bappa Dutta
Vs.
State of West Bengal & Ors.**

Appearance:-

**Mr. Rameshwar Sinha
Mr. Sayan Adhya
Mr. N.H. Choudhury**

.....for the appellants

**Mr. Somnath Ganguly, Ld. AGP
Mr. Raja Ram Banerjee**

.....for the State in M.A.T. 1080 of 2024

**Mr. Amal Kr. Sen
Mr. Jaladhi Das**

.....for the State in M.A.T. 1083 of 2024

Mr. Alok Kr. Ghosh
Mr. Swapan Kr. Debnath
Mr. Gopan Chandra Das

.....for the Kolkata Municipal Corporation

Mr. M.N. Ray
Mr. Biswarup Nandy

.....for the respondent

JUDGMENT

(Judgment of the Court was delivered by T.S. SIVAGNANAM, C.J.)

In Re: I.A. No. CAN 1 of 2024 in M.A.T. 1080 of 2024
&
In Re: I.A. No. CAN 1 of 2024 in M.A.T. 1083 of 2024

1. We have heard the learned advocates for the parties.
2. There is delay of 19 days in filing the appeals. We have perused the affidavits filed in support of the petitions and we find that sufficient cause has been shown for not being able to prefer the appeals within the period of limitation.
3. I.A. No. CAN 1 of 2024 in M.A.T. 1080 of 2024 and I.A. No. CAN 1 of 2024 in M.A.T. 1083 of 2024 are allowed and the delay in filing the appeals is condoned.

In Re: M.A.T. 1080 of 2024
&
In Re: M.A.T. 1083 of 2024

4. These intra-Court appeals have been filed challenging the common order dated April 4, 2024 passed in several writ petitions including the writ petitions filed by the appellants. The prayer sought for in the writ petitions

was to issue Exemption Category Cards on the ground that the appellants/writ petitioners served as Enumerators.

5. Identical claims were made earlier by others based upon a certificate issued by one Ganesh Guha Thakurtha, who was stated to be the Chairman of Borough-XII of Kolkata Municipal Corporation during the period 1991.
6. Though the said order passed in those writ petitions was upheld by the Division Bench, on appeal to the Hon'ble Supreme Court, the order was set aside and it was held that the Chairman of the said Borough had no jurisdiction to issue any certificate. Therefore, it will be too late in the day for the appellants to rely upon the same certificate and claim for Exemption Category Cards.
7. Thus, the learned Writ Court was fully justified in dismissing the writ petitions. We also find that in paragraph 31 of the impugned order, the learned Writ Court had observed that nothing in the order shall preclude the petitioners from making fresh applications upon production of valid documents/certificates, which might entitle the writ petitioners to such Exemption Category Cards, if the writ petitioners so wish.
8. Thus, if at all the appellants/writ petitioners have any other certificate or any other document other than the certificate issued by the said Chairman of the Borough, it will be well open to the appellants to take advantage of the observations made in paragraph 31 of the impugned order.
9. Thus, we find no ground to interfere with the order passed by the learned Single Bench. Hence, the appeals and the connected applications are dismissed.
10. No costs.

11. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(T.S. SIVAGNANAM)
CHIEF JUSTICE

I agree.

(HIRANMAY BHATTACHARYYA, J.)

Pallab/KS AR(Ct.)