

27.11.2024
Item No.16
gd/ssd

MAT/2040/2024
SUSHAMA BISWAS
VS
MD. MAZAHAR ALI AND ORS.
IA NO: CAN/1/2024, CAN/2/2024

Mr. Prantick Ghosh,
Mr. Prasad Bhattacharyya
..for the Appellant.

Ms. Jhuma Chakraborty
..for the State.

Mr. Saibal Acharyya,
Mr. Rajib Kumar Acharyya,
Mr. Banshi Badan Maity,
Mr. Goutam Malik
..for the Respondent No.1.

Mr. Pulakesh Bajpai,
Ms. Anamika Pandey
..for the Union of India.

1. The application, being CAN 1 of 2024 has been filed seeking leave to prefer an appeal against the order dated 30.09.2024 in WPA 17823 of 2024 by which the writ petition was disposed of.

2. It cannot be disputed that the present appellant who is the third party was required to be impleaded as respondent in the writ petition as she is a proper and necessary party. This having not been done, we grant leave to file the present appeal.

3. As observed above, since the appellant was a proper and necessary party to the writ petition and her submissions also required to be considered before a

writ petition is disposed of, we are inclined to interfere with the order passed by the learned Single Bench by setting aside the same and restoring the writ petition to the file of the learned Single Bench to be heard and disposed of afresh after hearing the appellant. The appellant herein shall be added as the 11th respondent in the writ petition.

4. Let the writ petition be listed before the Bench having determination under the heading “Motion”.

5. With the above directions, the appeal and all connected applications stand disposed of.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)