

14 04.04.2024
rkd Ct.15

W.P.A. 8062 of 2020

Rima Das

-vs-

The Kolkata Municipal Corporation & Ors.

Mr. Dhananjay Banerjee,
Ms. Oindrila Ghosh,
Ms. Sangeeta Singh

....for the petitioner.

Mr. Subhrangsu Panda,
Ms. Ina Bhattacharyya

....for the KMC.

Mr. Benazir Ahmed

....for the State.

The writ petition has been filed by an advocate who acted as an advocate of one Sanjay Pramanick @ Bapi who filed a writ petition being WPA 13286 of 2019 (Sanjay Pramanick @ Bapi -vs- The Kolkata Municipal Corporation & Ors.). The said writ petition was heard on 29th August, 2019 and a coordinate Bench directed the petitioner in that writ petition as well as private respondents to collect the order of the Special Officer dated 11th June, 2019 from the office of Supervisor (Building), Borough-IX by seven days from date the order being passed and leave was granted to prefer statutory appeal before the Building Tribunal within fifteen days thereafter.

Subsequently, the said writ petition was disposed of vide order dated 30th September, 2019

by the coordinate Bench on recording the fact that supplementary affidavit was filed by said Sanjay Pramanick @ Bapi in that writ petition being the petitioner stating an appeal was preferred before the Building Tribunal against the order of the Special Officer (Building) which was fixed for hearing on 13th November, 2019. The coordinate Bench on being informed of the fact that the appeal was preferred pursuant to the leave granted by the Court on 29th August, 2019 disposed of the writ petition.

It is submitted by the learned advocate representing the petitioner who is not the petitioner in the writ petition being WPA 13286 of 2019 but the advocate of the petitioner, she was misled by one of the officers of the Kolkata Municipal Corporation in the matter of preferring appeal before the Building Tribunal for which appropriate enquiry is required to be conducted since petitioner's client who was the petitioner in the writ petition being WPA 13286 of 2019 in effect was prevented from preferring an appeal in terms of the leave granted by the coordinate Bench on 29th August, 2019.

This Court is at a loss how the present writ petition is maintainable at the instance of the

advocate of the petitioner in the writ petition being WPA 13286 of 2019 on the basis of allegation that in the matter of preferring appeal before the Building Tribunal by the petitioner in the writ petition being WPA 13286 of 2019 the present petitioner was misled which caused infringement of legal right of said Sanjay Pramanick @ Bapi. If that be the position said Sanjay Pramanick @ Bapi being the writ petitioner in WPA 13286 of 2019 ought to have taken appropriate legal steps not by his advocate who is the petitioner in the present writ petition since it is not the legal right of the petitioner in this writ petition which is alleged to have been frustrated at the instance of one of the officers of the Corporation.

In aforesaid conspectus, the writ petition at the instance of the advocate of the petitioner in the writ petition being WPA 13286 of 2019 is not maintainable and the same stands dismissed.

However, in filing the appeal before the Building Tribunal if the present petitioner being the advocate of the petitioner in WPA 13286 of 2019 was misled or cheated it will be open to the present petitioner to take appropriate legal steps.

However, there shall be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the learned Advocates for the parties on the usual undertakings.

(Saugata Bhattacharyya, J.)