

26.03.2025
Item No.7
gd/ssd

RVW/29/2025
UTTAM GORAI AND ORS.
VS
TAPOSH BHUI AND ORS.
IA NO: CAN/1/2025, CAN/2/2025
in
WPA(P)/474/2024
TAPOSH BHUI AND ANR.
VS
UNION OF INDIA AND ORS.

Mr. Suddhasatva Banerjee,
Ms. Akanksha Mukherjee,
Mr. Abhishek Kabir
..for the Applicants.

Mr. Jahar lal Dey,
Mr. Nilotpal Chatterjee
..for the State.

Mr. Kumar Jyoti Tewari.
Mr. Tarunjyoti Tewari
..for the Union of India.

Mr. Soumik Ganguli
..for the Respondent No.12.

Mr. Sabyasachi Chatterjee,
Mr. Badrujl Karim,
Mr. Aritra Ghosh
..for the Petitioners.

1. The review application filed by a third party being aggrieved by the judgment and order dated 9.1.2025 in WPA(P) 474 of 2024.

2. The third party, who has filed the review application, seeks leave because they are the residents of the area and their rights will be grossly affected if the

order and direction issued by this court is implemented.

3. In the light of the said submission, the applicants seeking leave is allowed.

4. We have heard the learned advocates on the prayer made in the review application.

5. The first and foremost aspect which has come to our notice is that the State, namely, the District Magistrate and the other revenue authorities have not been served and the learned Government Pleader has also not been served.

6. The learned Government counsel has produced a set of photographs which prima facie shows that if the approach road has to be constructed, then the retaining walls have to be put up and several houses, schools etc. are likely to be affected.

7. Therefore, we are of the view that the writ petition should be re-heard after notice to all parties and after all of them file their affidavits.

8. Accordingly, the review application is allowed. The order passed in the writ petition dated 9.1.2025 is recalled and the writ petition is directed to be listed on 24th April, 2025.

9. It will be open to the respondents to file their affidavit-in-opposition to the prayer sought for within the said time.

10. Since we have granted leave to the present applicants, they shall be impleaded as respondents in the writ petition and the cause-title be corrected.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)