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09.09.2025
Ct. No. 11
rrc

MAT 1513 of 2025
with
IA No. CAN 1 of 2025
and
IA No. CAN 2 of 2025

(Arghadeep Sinha & Ors. Vs. Debomalyo Sasmal & Ors.)

Mr. Partha Sarathi Bhattacharyya, Sr. Adv.
Mr. Santanu Das
Mr. Raju Bhattacharyya
Mr. Sagnik Bhattacharya
.... For the appellants

Mr. Anindya Bose
Mr. Golam Mohiuddin
**..... For the writ petitioner/
respondent**

Mr. Debapriya Gupta
..... For the respondent nos. 6 & 7

Affidavit-of-service, as filed, be kept on record.

The present application being CAN 1 of 2025 has been preferred by the applicants praying for leave to prefer appeal against the order dated 18th August, 2025 passed by the learned single Judge in the writ petition being WPA 18138 of 2025.

Mr. Bhattacharyya, learned senior advocate appearing for the applicants submits that by the order impugned, the learned Judge, on the basis of the submissions made on behalf of the National Commission in Homeopathy, directed that the writ petition being WPA 18138 of 2025 should be heard along with other

writ petitions, as mentioned in the fourth paragraph of the order impugned.

He argues that as the applicants were not impleaded in the writ petition, the learned Judge could not be apprised that the subject matter of the writ petition earlier preferred by the applicants herein, being WPA 11287 of 2025 is not similar to the writ petition being WPA 18138 of 2025 and that as such, the same ought not to have been clubbed together for analogous hearing.

Mr. Bose, learned advocate enters appearance on behalf of the writ petitioner/respondent in WPA 18138 of 2025 and Mr. Gupta, learned advocate enters appearance on behalf of the respondent nos. 6 and 7 herein.

We have heard the learned advocates appearing for the respective parties and considered the materials on record.

By the order dated 18th August, 2025, the learned Judge had only directed the writ petition being WPA 18138 of 2025 to appear along with other five writ petitions, as pointed out by the learned advocate appearing for the respondent nos. 6 and 7. In the said order, we do not find any observation to the effect that all the writ petitions would be heard analogously.

By the said order, no prejudice has been caused to the applicants herein. In the order impugned the learned

Judge had not made any observation that the other five writ petitions including the writ petition filed by the applicants earlier, being WPA 11287 of 2025 involve identical facts or common question of law.

The argument of Mr. Bhattacharyya that since the learned Judge had called for a report from the respondent no. 4, the applicants would be bound by the said report and that the same would operate against them, is misconceived. The learned Judge has only directed enlistment of the writ petition being WPA 18138 of 2025 along with other five writ petitions when the learned Court can be apprised that the subject matter of the earlier writ petition filed by the applicants herein is not similar to the writ petition filed by the writ petitioners being WPA 18138 of 2025.

For the reasons discussed above, the application for leave to appeal, being CAN 1 of 2025 is dismissed.

In view of such dismissal of the application for leave to appeal, the appeal being MAT 1513 of 2025 and the connected application for appropriate order being CAN 2 of 2025 are also dismissed.

There shall, however, be no order as to costs.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Reetobroto Kumar Mitra, J.) (Tapabrata Chakraborty, J.)