

APOT/77/2025
With WPO/606/2024
IA No.GA/1/2025

IN THE HIGH COURT AT CALCUTTA
Civil Appellate Jurisdiction
ORIGINAL SIDE

EIH LTD AND ANR.

-Versus-

THE KOLKATA MUNICIPAL
CORPORATION AND ORS.

BEFORE :
THE HON'BLE JUSTICE DEBANGSU BASAK
And
THE HON'BLE JUSTICE MD. SHABBAR RASHIDI
Date : 27th March, 2025.

Appearance :

Mr. Abhrajit Mitra, Sr. Adv.
Mr. Rachit Lakhmani, Adv.
Mr. Emon Bhattacharya Adv.
Ms. Pooja Sah, Adv.
..for the appellant.

Mr. Alak Kumar Ghosh, Adv.
Mr. Swapan Kumar Debnath, Adv.
Mr. Suman Basu, Adv.
..for the KMC.

Mr. Debanjan Mukherjee, Adv.
..for the respondent no.8.

Mr. Anirban Ray, Ld-AGP.
Ms. Ashmita Chakraborty, Adv.
..for the State.

Mr. Debasish Roy, Adv.
Ms. Gargi Banerjee, Adv.
Mr. Subrata Saha, Adv.
Mr. Rakesh Jana, Adv.
..for the added respondents.

The Court : Appeal is at the behest of the writ petitioners and directed
against the order dated January 15, 2025 passed in IA GA/1/2024 and IA
GA/2/2024 in WPO/606/2024.

State, Kolkata Municipal Corporation, CESC Ltd. and the added private respondents are represented.

Learned senior advocate appearing for the writ petitioners submits that, there is extreme urgency in the writ petition being disposed of. He refers to an order dated October 7, 2024 passed by the co-ordinate Bench in an appeal carried against an order passed in the writ petition. He submits that, a number persons, who are not entitled to any relief in the writ petition and none of their interest and rights being affected are applying for addition of party to the writ petition in order to stall the hearing of the writ petition. He submits that, in order to overcome such eventuality it would be appropriate that the Court directs the writ petitioners to publish advertisements under Order I Rule 8 of the Code of Civil Procedure, 1908.

Learned senior advocate appearing for the appellants submits that directions for expeditious disposal of the writ petition be issued in view of the peculiar facts and circumstances of the present case.

We enquired as to the time required by the added respondents to file affidavits to the main writ petition whereupon the learned advocate appearing for the added respondents submits that, such affidavit will be filed within seven days from date.

By the impugned order dated January 15, 2024, learned single Judge allowed two applications for addition of parties on the prima facie finding that the applicants therein would be adversely affected in the event the order as prayed for in the writ petition is passed.

Primary relief in the writ petition relates to a declaration of a particular area as a 'no vending zone'. The added respondents claim that they are vendors

and are vending in the area which is sought to be declared as a no vending zone. Claim of the added respondents is disputed on behalf of the appellants on the ground that, save and except two or three persons, none of the other added respondents are appearing in the list of vendors maintained by the Kolkata Municipal Corporation authorities.

Right, title and interest, if any, of any of the added vendors are yet to be decided by the learned single Judge. Learned single Judge proceeded to add the added respondents to the writ petition based on their claim that they are vending at the area which is sought to be declared as a no vending zone and, therefore, returned the opinion that, the added respondents would be adversely affected in the event the prayer made in the writ petition is allowed.

We clarify that the decision of the learned single Judge to add the private respondents therein as parties to the writ petition is not a final decision on the right, title and interest of the private respondents in any manner whatsoever. The issue as to the relief that the rival parties may be entitled to in the writ petition is yet to be decided finally.

Apparently a number of persons may get affected by the reliefs sought for in the writ petition. Apparently the appellants are not in the know of the addresses and particulars of the persons whose interest may get affected by the reliefs sought for in the writ petition being granted. Under such circumstances, we accept the prayer of the appellants for permitting publication under Order I Rule 8 of the Code of Civil Procedure, 1908.

The appellants will publish advertisement of the pendency of the writ petition as also the prayers made in the writ petition in two newspapers one of which will be an English newspaper circulating in the city of Kolkata and the

other in Bengali vernacular again circulating in the city of Kolkata. Such advertisements be published once in “The Telegraph” and once in “Anandabazar Patrika”.

Notice so published will provide that any persons interested may approach the court in seisin of the writ petition with request for being added as a party to the writ petition. Such application, if any, may be made within a fortnight from, the date of publication of the notice.

Needless to say, in the event such application is made, learned Judge before whom such application is made, will consider the same in accordance with law.

On the prayer made on behalf of the added respondents, let affidavit-in-opposition to the writ petition be filed by such added respondents within a week from date; reply thereto, if any, be filed within a week thereafter.

We request the learned single Judge to endeavour to dispose of the writ petition as expeditiously as possible.

APOT/77/2025 along with all connected applications are disposed of without any order as to costs.

(DEBANGSU BASAK, J.)

(MD. SHABBAR RASHIDI, J.)