

Appellant Vs. Respondent

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SooperKanoon Citation : sooperkanoon.com/1059082

Court : Kolkata

Decided On : Sep-25-2012

Judge : Bench

Appellant : Appellant

Respondent : Respondent

Judgement :

G.A.614 of 2012 G.A.613 of 2012 W.P.921 of 2012 IN THE HIGH COURT AT CALCUTTA Constitutional Writ Jurisdiction Original Side SHREE SHREE ISSWAR BENODE BEHARY & SHREE SHREE BINODESHWAR MAHADEVA & ANR.

Versus KOLKATA MUNICIPAL CORPORATION & ORS.Petitioners Respondents
BEFORE: The Hon'ble the CHIEF JUSTICE The Hon'ble JUSTICE DR.

SAMBUDDHA CHAKRABARTI Date :

25. h September, 2012.

For the Petitioners : Mr.L.C.Bihani, Sr.Advocate with Ms.Amritaa Pandey and Ms.Anamika Pandey, Advocates For the Respondent/State : Mr.R.A.Agarwal, Advocate For Respondent No.13 : Mr.A.Lahiri, Advocate For Respondent/KMC : Mr.Achintya Banerjee wsith Mr.D.Mondal, Advocate For WB PCB : Mr.N.C.Bihani, Advocate THE December COURT 23 2011 : we By had our judgment dismissed a

and writ order dated petition. We failed to detect any obvious public interest involved in the matter.

The present Memorandum of Review has been filed by the petitioners seeking review of the said judgment and order on various grounds as contained in the said Memo.

We have heard petitioners Mr. Behani, Mr. learned Lahiri for senior the counsel respondent for the No.13, Mr. Agarwal for the State, also Mr. Banerjee for the K.M.C. and Mr. Nayan Chand Bihani for the West Bengal Pollution Control Board.

After hearing the learned advocates for the respondents and after going through the materials placed before us, we do not think that any of the grounds on which review has been sought to be made is a good and valid for invoking the review jurisdiction of this Court.

There is no error apparent on the face of the record and the mistakes alleged in the Memorandum do not call for exercise of review power by us.

Mr. Bihani, learned Senior counsel appearing for the review-petitioners also seems to be aware of this legal position that this case does not call for exercise of review jurisdiction.

He, however, expresses his anxiety and concern that the learned advocates appearing for the petitioners had earlier submitted that they were not willing to get the matter referred to any University or any other authority.

We have heard Mr. Bihani on this point and we accept that this submission was made not out of any ill motive or with any malafide intention.

Mr. Bihani submits that while making such submission, the learned advocates acted with the best possible intention as it appeared to them to serve their clients best interest.

Mr. Bihani further submits that the learned advocates for the petitioners by then had put in a little more than two years practice.

We would also like to put on record the submissions made by Mr.Lahiri that after all this was a public interest litigation where the personal interest of a litigant should not be a determining factor and it is not to be confused with an ordinary adversarial litigation where interest of one party may be said to have been jeopardized by another persons act.

We have already held that the application for review is otherwise anxiety not expressed maintainable.

by Mr.But Bihani, we the appreciate learned the Senior counsel and we think the reasons expressed by him are sufficient to explain advocates who were the then stand acting taken on by the behalf learned of the petitioners when this petition was dismissed.

We further record our appreciation for the way the learned advocates had conducted the case, even though it was dismissed.

With these observations, this review petition is disposed of.

Photostat available to certified the copy parties of upon this order compliance be of formalities.

(J.N.PATEL, C.J.) (DR.

Rs.AR(CR) SAMBUDDHA CHAKRABARTI, J.) made usual

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