

Md. Shamim Vs. the Cesc Ltd. and ors.

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Court : Kolkata

Decided On : Aug-21-2014

Judge : Indrajit Chatterjee

Appellant : Md. Shamim

Respondent : The Cesc Ltd. and ors.

Judgement :

ORDER

SHEET GA No.2120 of 2014 WITH WP No.422 of 2010 IN THE HIGH COURT AT CALCUTTA Constitutional Writ Jurisdiction ORIGINAL SIDE Md.SHAMIM Versus THE CESC LTD.& ORS.BEFORE: The Hon'ble JUSTICE INDRAJIT CHATTERJEE Date : 21st August, 2014.

Appearance : Mr.M.M.Verma, Adv.Mr.A.Verma, Adv.for the petitioner Mr.N.G.Sarkar, Adv.Mr.A.Sarkar, Adv.for the respondent No.3 to 22 Mr.Subrata Dutt, Adv.for CESC Mr.A.K.Ghosh, Adv.Mr.A.Dey, Adv.for KMC The Court : The matter is taken up for hearing along with G.A.No.2120 of 2014.

The learned advocates are present on behalf of the parties.

Mr.Alok Kr.

Ghosh, learned advocate has filed a report on behalf of Kolkata Municipal Corporation along with two photographs whichever duly shown to the learned advocates of the parties.

The matter was heard and in the midst of hearing the learned advocate appearing on behalf of the private respondents took me to Annexure-D of the G.A.No.2120 of 2014 to show that another writ petition No.170 of 2011 is pending and as per the order of this Court dated January 11, 2011 as passed by Jayanta Kumar Biswas, J.

in that writ the Honble Judge directed that the said writ petition shall be heard along with the present writ petition No.422 of 2010.

It is submitted by the learned advocate appearing on behalf of the private respondents as well as by the learned advocate appearing on behalf of CESC that the said W.P.No.170 of 2011 is now pending before His Lordship The Honble Justice Dr.

Sambuddha Chakrabarti.

The parties are directed to take steps for hearing of that case before the appropriate bench along with the writ to avoid any conflicting decision as the subject matter is the same in both the writ petitions.

Regarding the G.A.No.2120 of 2014, this Court is of the considered view that there is no reason to modify the interim order granted by this Court in connection with this writ application as per order dated March 14, 2014 in view of the report submitted by the Kolkata Municipal Corporation and page 36 of the writ petition which both prima facie show that the meter room is part and parcel of premises No.B/14/H/24 of Bibi Bagan Lane to which the present writ petitioner has claimed to be the tikha tenant (page 24 of the writ petition).Let this matter be fixed under the heading Adjourned Motion (Writ Matters) on September 18, 2014.

(INDRAJIT CHATTERJEE, J.) akb/

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