

IN THE COURT OF DISTRICT JUDGE, COOCH BEHAR

Present : Sri Mahananda Das
District Judge-in-charge,
Cooch Behar (J.O. Code WB00626).

Title Appeal No. 04 / 2026
CNR No. WBCB01-000418-2026

Order No. 4,
dated 27/02/2026

Today is fixed for hearing of the stay petition which was filed by the appellant on 16/02/2026 and is fixed today on consent of all the parties.

Perused the stay petition wherein the Ld. Advocate on behalf of appellant submits that vide Memo No. 3071, dated 02/02/2026 as issued by the Senior Joint Commissioner of Revenue and Charge Officer, Commercial Taxes (West Bengal), Cooch Behar addressed to Sri Partha Pratim Sarkar, S/o Late Paran Chandra Sarkar, Ex-ACTO and thereby the point No. C of the ordering portion of the impugned judgement in question has been started.

The said Ld. Advocate on behalf of appellant submits that if the said impugned order as point No. C as passed by the Ld. Trial Court completes prior to hearing of the said petition as filed by the appellant and as fixed by the Ld. Court on 27/03/2026, then question of hearing of the said petition of stay will be in fructuous. Said Ld. Advocate on behalf of appellant further submits that the said impugned order be kept in abeyance by dint of a stay till 27/03/2026 as fixed by this Court for hearing of the stay application.

Heard the Ld. Advocate on behalf of respondent No. 5 who submits that the Title Suit as was filed by the appellant is not maintainable in accordance with law. So, question of hearing stay petition on interim basis till 27/03/2026 does not arise and the petition as filed by the appellant on 16/02/2026 be rejected.

Heard Ld. Govt. Pleader who submits to pass necessary order.

Perused the Case Record wherefrom it reveals that the instant appeal was filed on 16/02/2026 and the date has been fixed by this Court on 27/03/2026 for appearance of the parties and stay hearing, petition if any, by the other sides. From the submissions as made by all the parties, it reveals that the knowledge in regard to filing of the instant Title Appeal is within the knowledge of everyone.

Now, come to the letter as issued by the Senior Joint Commissioner of Revenue and Charge Officer, Commercial Taxes (West Bengal), Cooch Behar, it reveals that the point No. C of the ordering portion of the impugned judgement in question has been started. This Court apprehends that if the said process ends prior to 27/03/2026 within the date as fixed by this Court vide order No. 2 dated 23/02/2026 for hearing of the said application on 27/03/2026 will be come in fructuous.

Accordingly, the petition for stay as filed by the appellant on 16/02/2026 is allowed on interim basis till 27/03/2026. There will remain an order of stay of the impugned judgement of Title Suit No. 08 of 2019 till that date.

(Contd....)

Contd. Order No. 4,
dated 27/03/2026

Let a copy of this order be sent to the Respondent No. 3, the Joint Commissioner Commercial Taxes Cooch Behar Charge, P.S. Kotwali, Dist. Cooch Behar and respondent No. 4, The Commissioner, Director of Commercial Taxes to the Govt. of West Bengal, 14, Belaghata Main, Kolkata.

Dictated and corrected by me,

Sd/-
District Judge-in-charge,
Cooch Behar.

Sd/- Mahananda Das
District Judge-in-charge,
Cooch Behar