

13 01.04.2024
& Ct. No. 01
18

AN
RP

MAT 847 of 2022
Raju Ghosh
Vs.
The State of West Bengal & ors.
with
MAT 740 of 2023
with
(CAN 1 of 2023); (CAN 2 of 2023) & (CAN 3 of 2023)
Raju Ghosh
Vs.
Partha Sarathi Saha & ors.

Mr. Anindya Mitra, Id. Sr. Adv.
Mr. Arindam Banerjee
Mr. Ashish Kr. Mukherjee
Mrs. Arpita Saha
Mr. Saurabh Prasad

... for the appellant

Mr. Anirban Ray, Id. G.P.
Mr. Tanoy Chakraborty
Mr. Saptak Sanyal

... for the State

1. As pointed out, in the order dated 28.02.2024 passed in MAT 847 of 2022, the second paragraph being “Affidavits-in-reply taken on record” be deleted as it has been typed out wrongly. Necessary correction be incorporated accordingly. This order shall form part of the order dated 28.02.2024.

2. Heard learned counsel for the respective parties at length.

3. MAT 740 of 2023 has been filed by one Raju Ghosh seeking leave to file an appeal against a common judgment and order passed in W.P. 17024(W)/2019 which was dismissed by the judgment dated 27.09.2019. However, the question remains that the said Raju Ghosh is one of the writ petitioners in W.P. 16265(W)/2019 which is

still pending before the learned Single Judge and has not been disposed of in terms of the common judgment dated 27.09.2019. Therefore, the proper course to be adopted by the appellant is to get the writ petition disposed of in terms of the common judgment dated 27.09.2019 and, if aggrieved by the said order, an appeal can be preferred against the said order so that the question of granting leave to the appellant to file an appeal would not arise. This course suggested by the Court to the learned senior counsel appearing for the appellant has been well accepted and the learned advocate on record would submit that they will take steps to get the writ petition disposed of in terms of a common judgment dated 27.09.2019 and file a separate appeal against the said order so that the same can be heard alongwith this case.

4. List these matters on 22.04.2024 for further consideration.

5. Affidavit-in-opposition filed by the respondents in CAN 2 of 2023 and CAN 3 of 2023 in MAT 740 of 2023 in Court today are taken on record.

(T. S. Sivagnanam)
Chief Justice

(Hiranmay Bhattacharyya, J.)