

18
25.06.2025
Ct. No. 11
Jayanta

MAT 2391 of 2024

in
IA NO: CAN 1 of 2024
in
IA NO: CAN 2 of 2024

Champahati Junior Staff Club & Anr.
Vs.
The State of West Bengal & Ors.

Mr. Ashok Kumar Banerjee, Sr. Adv.
Mr. Sambhu Nath Sardar
.... For the Appellants.

Mr. Ansar Mondal
Mr. Asis Dutta
.... For the State/respondents.

Mr. Siddhartha Banerjee, Sr. Adv,
Mr. Firdous Samim
Ms. Gopa Biswas
Ms. Payel Shome
.... For the respondent no. 10.

Mr. Sarajit Sen
Mr. Mrinal Kanti Sardar
.... For the respondent No. 7.

CAN 1 of 2024

This is an application for leave to file an appeal against the order dated 6th December, 2024 passed by the learned single Judge in a writ petition being WPA 28456 of 2023.

Mr. Banerjee, learned senior advocate appearing for the applicants/appellants submits that the applicants are the co-sharers of the land upon which the writ petitioner/respondent no.10 had attempted to raise construction and that as such they ought to have been impleaded in the writ petition. The learned single Judge

was misled to pass the order impugned as the applicants were not present to point out the correct facts.

Such contention has, however, been disputed by Mr. Banerjee, learned advocate appearing for the respondent no. 10 and Mr. Sen, learned advocate appearing for the respondent no. 7.

Heard the learned advocates appearing for the respective parties and considered the materials on record.

In the order impugned the learned single Judge had observed that the police authorities would ensure that no obstruction be created while raising the construction at the behest of the writ petitioner. Such observation prejudicially affects the applicants as they claim to be the co-sharers of the concerned land.

Accordingly, leave is granted to the applicants to prefer appeal against the order dated 6th December, 2024 passed in the writ petition being, WPA 28456 of 2023 and the application for leave to appeal being, CAN 1 of 2024 is disposed of.

CAN 2 of 2024

This is an application for stay of operation of the order dated 6th December, 2024 passed by the learned single Judge in a writ petition being, WPA 28456 of 2023.

Records reveal that pursuant to earlier orders passed by a co-ordinate bench of this Court a report has been submitted by the respondent no.8 to which an exception

in the form of an affidavit has been filed by the writ petitioner and the respondent no.8 has also used an affidavit-in-reply to the same.

As the appeal needs to be heard finally, the denial of the interim order, as prayed for, will cause a greater loss and prejudice to the applicants than the loss and prejudice the absence thereof is likely to be caused to the writ petitioner and may render the appeal infructuous.

In view thereof, there shall be an interim order restraining the writ petitioner/respondent no.10 from raising any construction on the concerned land till the disposal of the appeal.

The writ petitioner/respondent no.10 is directed to file requisite number of informal paper books within a week from date incorporating all the documents exchanged by the parties before the learned single judge as well as copies of the stay application, the report, the exception and the affidavit-in-reply to the said exception, with copies to Mr. Banerjee and Mr. Sen.

The application being, CAN 2 of 2024 is, accordingly, disposed of.

List the appeal for final hearing in the daily supplementary list of this Court on 7th July, 2025.

(Reetobroto Kumar Mitra, J.) (Tapabrata Chakraborty, J.)