

31. 06.04.2026.
Court No.07.
(Pritam)

**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Side.**

**MAT 24 of 2026
with
CAN 1 of 2026.**

**Sushma Agarwal.
-Vs.-
State of West Bengal & Ors.**

Mr. Suresh Kumar Mitruka,
Mr. Aayush Mitruka,
Ms. Shruti Yadav,
Mr. Sujit Swani.

.....for the appellant.

Mr. Hirak Barman,
Mr. Kumar Shantanu.

....for the State.

1. The writ petitioner/appellant is aggrieved by an order dated 09.01.2026, passed by the learned Single Judge. The order is dated 9th January, 2026.
2. The learned advocate representing the writ petitioner has placed before the Court the background in which the writ petition was filed.
3. It is submitted that some persons invoked writ jurisdiction, making certain allegations with respect to revenue entries in respect of lands which are owned and possessed by the present writ petitioner.

4. According to the writ petitioner, the writ petition was filed without impleading her as a party, and orders obtained thereupon, behind the back of the writ petitioners.
5. The petitioner under such circumstances filed the writ petition, seeking recall of the order dated 23rd September, 2024 passed in WPA 1911/2024, whereby and whereunder the authorities were directed to take appropriate steps for correcting the Record of Rights.
6. It is the writ petitioner's case that the consequential corrections made in the Record of Rights, are unsustainable,
7. However, till date the corrected entries have not been challenged by the writ petitioners. Learned advocate submits that the same may be challenged in appropriate proceeding in accordance with law.
8. For the present, the issue is the order dated 23.09.2024 passed in the earlier writ proceeding, pursuant to which the corrections were made. The same is the subject-matter of the writ proceeding pending before the learned Single Judge wherein the order under appeal dated 9th January, 2026 has been passed in the following terms;

"1. Let the matter be heard on affidavits. Affidavit in opposition be filed within three weeks, reply within a week thereafter.

2. Let the matter appear in the next circuit.

3. The prayer for interim order is denied at this stage. The challenge in the writ petition is another order of a coordinate bench.

4. The petitioner, in my prima facie view, could have either filed a non-party review on challenged the order by way of an appeal, upon obtaining special leave.”

9. We find that the observations made therein are prima facie. The matter is still pending before the learned Single Judge and the nature of the interim relief which the petitioner wants, if allowed, would amount to passing the final order on the writ petition at the preliminary stage.

10. We, therefore, find no infirmity in the order dated 9th January, 2026 passed in the writ proceeding.

11. The appeal is, thus, dismissed.

12. We make it clear that dismissal of the present appeal may not be treated as an ‘expression of opinion’ of this Court on the merits of the matter pending before the learned Single Judge.

13. All issues are left open.

14. Urgent Photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all formalities.

(Madhuresh Prasad, J.)

(Prasenjit Biswas, J.)