

15/10/2020
Item No.3 S/L
AB/S DE

Through Video Conference

**F. M. A. 921 of 2020
(MAT 604 of 2020)**

With

I.A. No.CAN/1/2020

I.A. No.CAN/2/2020

Sk. Ansar & Others

Vs

Rupa Mondal & Others

Mr. Anjan Bhattacharya,
Mr. Partha Sarathi Mondal

...for the Appellants.

Mr. Sabir Ahamed,
Mr. Sandip Kr. Mondal

...for the Respondent/
Writ Petitioner.

The order impugned herein was passed ex parte in a writ petition without any adequate reason being indicated in the order as to why the matter had to be heard ex parte. Indeed, an affidavit of despatch was filed before the Single Bench rather than any affidavit of service and there was no intimation to the appellants herein as to when and before which Bench the matter would be moved.

In the present Covid times, Courts have to be extremely cautious before passing ex parte orders so that the parties not present are not prejudiced. The notices and notifications published on the website of

this Court require such care and caution to be exercised.

In the present case, it appears that a private dispute pertaining to a property may have been suppressed by the writ petitioner respondents to obtain an order of police help to steal a march over the appellants herein who assert a right in respect of the same property.

The order impugned dated September 15, 2020, will remain stayed. The police will take no further steps in the matter unless expressly called upon by any Court. It will be open to the writ petitioners to approach any civil court in the event any unlawful interference in the writ petitioners' right to property is presented by these appellants or any other.

Since the appeal is from a limited ad interim order, no useful purpose would be served in keeping the same pending. Affidavits should be exchanged before the Single Bench and the writ petitioners will have liberty to seek an early listing of the matter after the puja vacation.

FMA 921 of 2020 together with CAN 1 of 2020 and CAN 2 of 2020 therein are disposed of without any order as to costs.

(Sanjib Banerjee, J.)

(Arijit Banerjee, J.)