

6 28.07.2022

gd/ssd

MAT/1144/2022
IA NO: CAN/1/2022
BHATPARA MUNICIPALITY AND ANR.
VS
THE STATE OF WEST BENGAL AND ORS.

Mr. Dibyendu Chatterjee,
Mr. Pritam Majumdar,
Ms. Piyali Paul
..for the Appellants

Mr. Nilotpall Chatterjee,
Mr. Amrit Lal Chatterjee
..for the State

In this intra court appeal the writ petitioners have challenged the interlocutory order of the learned Single Judge dated 19.07.2022 passed in WPA 16040 of 2022.

The submission of the learned counsel for the appellants is that though the lease deed in favour of respondent no.6 was executed by the appellants in the year 2015, but the condition of deposit of earnest money of Rs.2 crores was not fulfilled by the respondent no.6. Therefore, the lease was terminated by order dated 27.01.2017. Thereafter the respondent no.6 has moved to the NCLT under the provisions of the IPC and a direction has been issued by the NCLT for demarcation of the land, therefore, the demarcation proceedings are required to be stayed.

Having heard the learned counsel for the

appellants and on perusal of the impugned order of the learned Single Judge, we find that the learned Single Judge has already observed that the issue raised in the writ petition is required to be gone into. There is no rejection of prayer for interim relief by the learned Single Judge in the impugned order. The learned Single Judge has already directed the exchange of affidavits by the parties.

In the above circumstances, at this stage learned counsel for the appellants has made a limited submission that the writ petition itself may be disposed of early.

Hence, we dispose of this appeal granting liberty to the appellants to make a request to the learned Single Judge for expeditious disposal of the writ petition and we are hopeful that considering the nature of the controversy involved in the matter, the prayer made by the appellants will be duly considered by the learned Single Judge.

(Prakash Shrivastava, C.J.)

(Rajarshi Bharadwaj, J.)

