

**ASR 2.
5.12.2022**

**MAT 1720 of 2022
With
CAN 1 of 2022**

**Rahul Shaw
Vs.
Anuradha Gupta & Ors.**

**Mr. Shankar Nath Mukherjee
Mr. Sk. Shamim Akhter
Mr. Niraj Gupta**

.....For the Appellants

**Mr. N. I. Khan
Mr. Amal Kumar Mukherjee**

.....For the Respondent no. 1

**Mr. Amal Kr. Sen, Ld. AGP
Mr. Jaladhi Das**

.....For the State

We formally admit the appeal.

We observe from the impugned judgement and order dated 23rd September, 2022 that the writ application was moved before the learned single judge on that day. The order records the prayer of learned counsel for the State respondent for time to seek instructions.

In that view of the matter, the application was adjourned till 9th November, 2022.

However, an ad interim order was also passed restraining the private respondent from plying the vehicle beyond the jurisdiction of Purba Burdwan.

In our opinion, this interim order virtually allowed the writ.

On appeal by the private respondent the vacation bench on 21st October, 2022 was pleased to stay the operation of this order.

We have continued this stay by our order dated 30th November, 2022 till 16th December, 2022 or until further order whichever is earlier.

Considering our view that the writ has been allowed by the impugned interim order, we dispose of this appeal and the connected application with the direction that this order of stay will continue and in the meantime the learned single judge before whom the writ is pending will as motion consider afresh the question of grant of an interim order upon hearing all the necessary parties.

The learned single judge need not be influenced by any observation made by us in this appeal.

(I. P. Mukerji,J.)

(Biswaroop Chowdhury,J)