

ORDER SHEET

OD- 3

APOT/32/2022
WITH
CS/214/2010
IA NO: GA/1/2022

IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
ORIGINAL SIDE

MUHAMMED YUSUF AND ORS.
VS.
SANDEEP PODDAR AND ANR.

BEFORE:

The Hon'ble JUSTICE I. P. MUKERJI
The Hon'ble JUSTICE ANIRUDDHA ROY
Date : 25th February, 2022
(Via Video Conference)

Appearance:
Mr. Haradhan Banerjee, Adv.
Ms. Somali Mukhopadhyay, Adv.
For appellants
Mr. Sakya Sen, Adv.
Mr. Amritam Mandal, Adv.
Mr. Rohit Banerjee, Adv.
Mr. Aditya Mondal, Adv.
For respondents

The Court : We admit the appeal.

As the interim application is pending before the learned single judge, we proposed to hear out the appeal today itself dispensing with all formalities.

Mr. Sakya Sen, learned advocate for the respondents categorically states on instruction from his clients and relying on reports from the police authorities and Kolkata Municipal Corporation, which are taken on record that his clients are not making any construction on the subject premises.

We direct that this status quo as well as the status quo regarding the nature and character of the building be maintained till further orders are made by this court whether in its appellate or original jurisdiction.

The property has various occupants.

We appoint Mr. Rajiv Lall Advocate (M:9831965034) at a remuneration of 2000 Gms. and Mr. Ayan Boral Advocate (M: 9830547806) at a remuneration of 1500 Gms. as Joint Special Officers to be paid by the appellants to take symbolic possession of the subject property, only. If the respondents desire to induct any new occupant into the premises, they will indicate this to the Joint Special Officers. Either the Joint Special Officers or the respondents shall inform the court of this desire. Any new person may be inducted into the premises only with the leave of the court.

Status quo in all other respects shall be maintained by the parties till further orders.

We make it absolutely clear that the Joint Special Officers shall in no way interfere with the possession of any occupant or management of the premises or collection of rent by the respondents.

The appeal (APOT/32/2022) and the connected application (IA NO:GA/1/2022) are disposed of.

As affidavits were not invited, the allegations in the stay petition are deemed to be not admitted.

(I. P. MUKERJI, J)

(ANIRUDDHA ROY , J)