

ORDER SHEET

WPO/2861/2022

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

SANDIPAN BISWAS
Versus
THE STATE OF WEST BENGAL AND ORS.

BEFORE:

The Hon'ble JUSTICE MOUSHUMI BHATTACHARYA

Date : November 15, 2022.

Appearance:

Mr. Aritra Basu, Adv.
Mr. Dwip Raj Basu, Adv.
Mr. Ovik Sengupta, Adv.
..for the petitioner

Mr. Ayan Banerjee, Adv.
..for the State respondent

Mr. Souvik Mitra, Adv.
Ms. Era Ghose, Adv.
..for the respondent no.5

The Court: The petitioner prays, first, for a direction on the respondent no.3 being the Principal Secretary, Chief Controlling Revenue Authority, Finance Department of the State to expedite an appeal filed by the petitioner which has been pending since June, 2022.

Learned counsel appearing for the petitioner submits that the appeal has not been heard till date and no dates for hearing have been fixed.

The second prayer is for stay of an undated order passed by the Collector, South 24 Parganas by which the petitioner has been made liable for payment of stamp duty assessed at Rs.71.11 lakhs.

The respondents are represented.

After hearing learned counsel appearing for the parties and being of the view that allowing the undated order which is presently the subject matter of the pending appeal to remain may cause prejudice to the petitioner in the suit filed by the petitioner for specific performance of a contract between the petitioner and the private respondent, this Court is of the considered view that the undated order should be stayed pending final decision in the appeal.

WPO/2861/2022 is accordingly disposed of with a direction on the respondent no.3 to hear and dispose of the appeal within four weeks from the date of communication of this order. The parties should be made aware of the decision in the appeal within six weeks from the date of communication of this order.

(MOUSHUMI BHATTACHARYA, J.)

bp.