

01.03.2023
Item No. 10
Court No.6.
S. De

M.A.T. 120 of 2023
With
I.A. No. CAN/1/2023

State of West Bengal & Ors.
Vs
Hasibur Rahaman Sardar & Ors.

Mr. Susovon Sengupta,
Mr. Subir Paul,
...for the appellants.
Mr. Saptangshu Basu, Ld. Sr. Adv.,
Mr. Arindam Guha,
Mr. Jayanta Sengupta,
Mr. Arpita Dey,
...for the respondent no.6.
Mr. Amit Kumar Pan,
Syed Julfikar Ali,
...for the private respondent no.1.

By consent of the parties, the appeal and the connected application are taken up together for hearing.

This appeal is directed against an interim order dated December 21, 2022 passed in WPA 28121 of 2022 being a writ petition filed by the respondent no.1 herein.

The learned Judge directed exchange of affidavits and directed the matter to go out of the list for the time being with liberty to mention. Then the learned Judge ordered, *“Let there be an order of status quo upon both the parties in respect of possession of the plots in question as on this date until further orders.”*

Being aggrieved, the State has come up in appeal.

Although the respondent no.1/writ petitioner through learned counsel Mr. Pan made submission on merits, we are not inclined to go into the merits at all. The interim order is not supported by any reason. It is settled law that some reason must be recorded in support of an interim order of whatever nature.

Without going into the merits of the case at all, we set aside the order of status quo. The appeal is allowed. We grant liberty to the respondent no.1/writ petitioner to apply afresh for interim order on the writ petition pending before the learned Single Judge.

Since we have not called for affidavits, the allegations contained in the stay application are deemed not to be admitted by the respondents.

MAT 120 of 2023 is disposed of along with the application being I.A. No. CAN 1 of 2023.

Urgent certified photostat copy of this order, if applied for, shall be given to the parties as expeditiously as possible on compliance with all the necessary formalities.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)