

10. 22.03.2023
Court No.6
Tanmoy Ghosh

MAT 305 of 2023

**Jagadish Mukherjee
-Versus-
Smt. Jamuna Mondal @ Mandal & Ors.**

**With
IA No: CAN/2/2023**

Mr. Sakya Sen, Ld. Sr. Adv.,
Mr. Sumitava Chakraborty, Adv.,
Ms. Arpita Das, Adv.

...for the appellant.

Mr. Rabindra Narayan Dutta, Adv.,
Mr. Hare Krishna Halder, Adv.

...for the State.

Mr. Sirsanya Bandopadhyay, Adv.,
Mr. Tirthankar Dey, Adv.
Mr. Arka Kumar Nag, Adv.

...for the Bidhannagar
Municipal Corporation.

Mr. Tanmoy Mukherjee, Adv.,
Mr. Sounak Bhattacharya, Adv.,
Mr. Amal Kr. Saha, Adv.,
Mr. Iresh Paul, Adv.,
Mr. Rudranil Das, Adv.

...for the respondent no.8.

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

Mr. Sakya Sen, learned Senior Counsel, Mr. Sumitava Chakraborty, learned Advocate and Ms. Arpita Das, learned Advocate-on-Record for the appellant, seek leave of this Court to retire from the matter. Such leave is granted. The *Vakalatnama* with “No Objection”

endorsement has been handed over by Ms. Arpita Das to the appellant in Court today.

Read our orders dated February 20, 2023, March 2, 2023 and March 13, 2023.

Today, Sub-Inspector Pranesh Singha Roy and Constable No. 3617 Mumtaz Mondal have produced Jamuna Mandal, wife of Pulin Mandal, residing at Deulbari Debipur, South 24-Parganas, West Bengal – 743349, in Court. Aadhaar card of Jamuna Mandal has also been produced. Let a xerox copy thereof be kept with the records.

We have asked certain questions to Jamuna Mandal to ascertain whether she is mentally alert. We are satisfied that she understands what is going on. She has categorically stated that she does not know Jagadish Mukherjee, the appellant, who is present in Court. She has further stated that she is illiterate and cannot sign. The Power of Attorney, executed in favour of the appellant herein, copy whereof is at page 72 of the stay petition, does not appear to have been executed by Jamuna Mandal who has been brought to Court today. Upon looking at the appellant, Jamuna Mandal has categorically said that she does not know the appellant. She has also said that she has never requested or authorized the appellant to do anything on her behalf.

There appears to be gross irregularities in the matter including perpetration of fraud. We are satisfied

that the learned Judge was justified in passing the order that has been challenged before us. Although, we had withdrawn the writ petition for being heard with the appeal, we dismiss the appeal and send back the writ petition before the learned Single Judge for carrying the writ petition to its logical conclusion in the manner the learned Judge deems fit and proper.

We make it clear that we have not interfered with the order impugned in any manner and full effect shall be given to that order.

Interim order passed in this appeal stands vacated.

The reports that were filed in terms of the learned Single Judge's order, which were in the safe custody of the learned Registrar General of this Court and which we had called for, shall now be placed before the learned Single Judge.

The Police shall ensure that Jamuna Mandal is reached to her home safely.

The appeal being MAT 305 of 2023 and the connected application being IA No: CAN/2/2023 are disposed of.

Let urgent photostat certified copy of this order, if applied for, be made available to the parties, upon compliance with all requisite formalities.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)