

05 27.9.2023

Ct-08

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MAT 1732 of 2023

with
I.A No. CAN 1 of 2023

Sib Prosad Das
Vs.
Setara Begum & Ors.

Mr. Timir Baran Saha
... For the Appellant

Mr. Debabrata Saha Roy
Mr. Pingal Bhattacharyya
Mr. Neil Basu
... For the Respondent no. 1/
Writ Petitioner

1. We have heard the learned counsel appearing for the parties.

2. The petitioner appears to have been aggrieved by the decision of the District Magistrate & Collector, Murshidabad, dated 20.9.2023 in compliance of the Hon'ble Single Judge order dated 28th August, 2023. The appellant was a private respondent no. 8 in the writ petition. Learned Single Judge directed the District Magistrate, Murshidabad to dispose of the representation of the writ petitioner afresh in the light of the observation made in the instant writ petition within a particular time. It appears that in compliance of the said order the District Magistrate, Murshidabad, has passed an order on 20th September, 2023 by which same area of the present applicant was detagged. However, this cannot be the subject matter of

challenge in this appeal. It gives a fresh cause of action. There was no direction by the learned Single Judge to detag the area and the matter was left to the discretion of the District Magistrate & Collector, Murshidabad to decide the representation of the writ petitioner. On consideration of such representation the authority concerned passed an order with which the present applicant is unhappy.

3. In view thereof, we are unable to consider this appeal and the application for leave to appeal is accordingly refused. However, this order shall not prevent the applicant to take appropriate steps in accordance with law, if he is aggrieved by the order dated 20th September, 2023. We make it clear that we have not gone into the merits of the order dated 20th September, 2023.

4. In view of the aforesaid the appeal being MAT 1732 of 2023 stands dismissed along with CAN 1 of 2023.

5. However, there shall be no order as to costs.

6. Urgent Photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Uday Kumar, J.)

(Soumen Sen, J.)

