

15.12.2023
Sl. No.15(DL)
srm

C.O. No. 4019 of 2023

Moore Avenue Puja Samity & Anr.

Versus

Indrajit Chakraborty & Ors.

Mr. Rajarshi Dutta,
Mr. Vishwarup Acharyya,
Mr. Rahul Poddar

...for the Petitioners.

Mr. Indrajit Nandi,
Mr. Saumeyan Datta

...for the Opposite Party.

The petitioners have challenged the order dated October 18, 2023 passed by the learned District Judge-in-Charge at Alipore, South 24-Parganas, in Miscellaneous Appeal No.377 of 2023.

By the order impugned, the learned lower appellate court passed an ad interim order staying operation of the order of the learned trial judge up to November 8, 2023 by which the petitioners were restrained from entering into the 'B' schedule property. The learned lower appellate court, however, allowed the appellants to access through the 'B' schedule property without disturbing the appellants/opposite parties. The matter was moved before the learned coordinate Bench and an interim order was allowed in favour of the petitioners granting

them liberty to conduct the Kali Puja and Jagaddhatri Puja in 'B' schedule property. A learned Special Officer was also appointed to ensure that such Pujas take place without any disturbance and also to ascertain whether the 'A' schedule property had a separate access or not.

The learned Special Officer is not before the Court, with the report. It is submitted by both parties, that pujas had been held on the B schedule property.

This Court finds that the miscellaneous appeal arises out of an order of ad interim injunction passed by the learned trial judge. Justice would be sub-served if the Miscellaneous Appeal No.377 of 2023 is directed to be disposed of expeditiously. The said appeal shall be disposed of within a period of two months from the date of communication of this order. The learned Special Officer is directed to file the report in the learned lower appellate court. The learned lower appellate court shall pass necessary orders upon considering the report of the learned Special Officer, including his discharge. As no useful purpose will be served in keeping this application pending, the revisional application is disposed of with such direction.

This Court is not inclined to pass any further orders as the same would amount to staying the order of ad-interim

injunction by the learned trial judge, and would amount to disposal of the Miscellaneous Appeal, which is pending. The immediate urgent purpose for access to the 'B' schedule property has been met, and the Pujas have been held. The petitioners have performed the Kali Puja and Jagaddhatri Puja on the schedule property, without any hindrance, it is informed to the court.

The order impugned is not further interfered with.

All the prayers of the petitioners will be decided in the miscellaneous appeal, itself. The appeal and application will be disposed of positively within two months from communication of the order.

The revisional application is, thus, disposed of.

There shall be no order as to costs.

Parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)