

Item no.6  
**15.06.2023**  
Saswata

**Calcutta High Court  
In the Circuit Bench at Jalpaiguri  
Appellate Jurisdiction**

**MAT 58 of 2023  
with  
IA no. CAN 1 of 2023**

**Amit Agarwala Foundation & Anr.  
-versus  
State of West Bengal & Ors.**

Mr. Deborshi Dhar  
Mr. Sitesh Gupta

...For the appellants

Mr. Hirak Barman  
Mr. Momenur Rahman

...For the State

1. By consent of the parties, the appeal and the connected application are taken up together and are being disposed of by a common order.
2. A Coordinate Bench of this Court on 27<sup>th</sup> April, 2023 restrained the State respondents from taking possession of the land in question forcibly and without due process of law. The interim order was initially made operative till 8<sup>th</sup> May, 2023. It was further extended on 8<sup>th</sup> May, 2023 till 16<sup>th</sup> June, 2023.
3. On an enquiry made from the Learned Counsel on behalf of the State as to whether the State respondents have filed any affidavit, it is submitted that affidavit-in-opposition has not yet been filed by the State respondents till date.

4. Since, a Coordinate Bench of this Court has taken a view that the appellants/petitioners should not be dispossessed without due process of law and in any event, the possession of the appellants/petitioners is now required to be decided on the basis of the materials to be disclosed in the pending proceeding, we continue the order dated 27<sup>th</sup> April 2023 passed by the Coordinate Bench of this Court and extended on 8<sup>th</sup> May 2023, for a period of three months from date.
5. The State respondents shall file affidavit-in-opposition within two weeks from date. Reply, if any, thereto be filed two weeks thereafter.
6. The writ petition shall be listed before the Learned Single Judge in the next available Circuit, subject to convenience of the Bench.
7. Liberty to mention for early disposal of the writ petition by either of the parties.
8. Since no affidavit has been filed by the State respondents, the allegations are deemed not to have been admitted.
9. We make it clear that our observations shall not influence the final outcome of the writ petition.
10. The appeal and connected application are accordingly disposed of.

11. There shall be no order as to costs.

12. Urgent photostat certified copy of this order, if applied for, be given to the parties on priority basis upon completion of requisite formalities.

**(Soumen Sen, J.)**

**(Raja Basu Chowdhury, J.)**