

17.11.2023
Item No.71
Court No.1
CHC

Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Side

M.A.T.169 of 2023
I.A. CAN/1/2023

Union of India & ors.
Vs.
Sri Biren Pramanik & ors.

Mr. Sudipto Kumar Mazumdar, Ld. D.S.G.I
Mr. Ajoy Kumar Singhanian, Advocate
Mr. Sudip Kumar Paul, Advocate
Mr. Sourav Kar, Advocate
... .. For the appellants

Dr. Navin Barik, Advocate
Ms. Esha Acharya, Advocate
... .. For the respondents

The appeal is directed against an order dated August 25, 2023 passed by the First Court in W.P. No.2875 of 2022.

By the impugned order, the interim order initially passed on February 2, 2023 which expired on March 5, 2023 was extended.

Learned Deputy Solicitor General submits that, the interim order dated February 2, 2023 expired on March 5, 2023 and was extended by the impugned order, without any application for extension. No reason was ascribed for the grant of extension. The impugned order is non speaking.

Learned advocate appearing for the writ petitioners/respondents submits that, the order dated February 2, 2023 was innocuous and directed that, the writ petitioners should not be evicted without the due process of law.

No doubt, an Article 12 authority will not evict an occupant without the due process of law.

In the present case, the interim order which was granted on February 2, 2023 expired on March 5, 2023. The writ petitioners did not apply for extension of such interim order. The learned First Court proceeded to extend the interim order by the impugned order without any application to such effect being made. Moreover, the impugned order does not ascribe any reason as to the extension of an interim order which already expired.

In such circumstances, the impugned order dated August 25, 2023 is set aside.

The Court is informed that the writ petition is ready for hearing with affidavits being filed.

Liberty to the parties to seek expeditious disposal of the writ petition by the First Court.

MAT 169 of 2023 along with CAN/1/2023 are disposed of accordingly.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)