

OD-8

IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
ORIGINAL SIDE

APOT/201/2023
IA NO: GA/1/2023, GA/2/2023
M K DEVELOPERS
VS
UNION OF INDIA AND ORS.

BEFORE :
THE HON'BLE THE CHIEF JUSTICE T.S. SIVAGNANAM
And
THE HON'BLE JUSTICE HIRANMAY BHATTACHARYYA
Date : 23rd August, 2023

Appearance :
Mr. Atarup Banerjee, Adv.
Mr. Amal Kumar Dutta, Adv.
...for appellant
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The Court : - None appears for the appellant. We have heard Mr. Atarup Banerjee, learned Advocate appearing for the respondent.

This appeal has been directed against the order dated 28.06.2023 in WPO 1337 of 2023, by which the learned Single Bench had refused to grant any interim order. However, noting that the appellant/writ petitioner has made out an arguable case, the respondents were directed to file their affidavits within the time frame. We are informed by the learned Advocate for the respondent that the writ petition is listed before the learned Single Bench and it is likely to be taken up today (23.08.2023). After having gone through the order passed by the learned Single Bench, we are of the view that at this stage of the matter the question of granting any interim order would not arise as it would amount to interdicting the public project from being proceeded further.

Therefore, we find no grounds to entertain this appeal.

We make it clear that the appellant is at liberty to canvass all factual and legal issues in the pending writ petition which would be heard and decided on merits.

With the above observation, the appeal and the connected applications are disposed of.

(T.S. SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)