

S/L 28
04.03.2024
Court. No. 3
Sourav

CO 139 of 2019

Smt. Sharmila Rakshit
Vs.
The Defence Estate Officer & Ors.

Mr. Shiv Shankar Banerjee
Ms. Munmun Tewary
Mr. Suryasarathi Basu
Ms. Moumita Das Bairagi

...for the petitioner.

Mr. Nandalal Singhania
Mr. Rahul Sarkar
Ms. Dipika Sarkar
Ms. Shreya Deeshi

...for the opposite parties.

1. Heard learned advocate for the petitioner and learned advocate for the opposite party no. 1/The Defence Estate Officer, Kolkata Circle.
2. In this revisional application, the order no. 2 dated 29.11.2018 as passed by the learned District Judge, North 24 Parganas in Misc. Appeal No. 119 of 2018 has been impugned.
3. By the impugned order, learned First Appellate Court refused to pass ad interim order of stay in favour of the present revisionist who is the appellant before the learned First Appellate Court and instead directed the present revisionist/appellant to serve a copy of the Misc. Appeal along with stay application upon the respondents of the said appeal.
4. It is submitted at the Bar that the Misc. Appeal No. 119 of 2018 is still pending before the learned First Appellate Court and date of hearing of the said appeal has been fixed in the month of May, 2024.

5. Learned advocate for the present revisionist, in course of his submission draws attention of this Court to the orders dated January 15, 2019 and March 26, 2019 whereby and whereunder an interim order of stay was initially passed and was extended till the disposal of the instant revisional application.
6. On perusal of the entire materials as placed before this Court and after hearing the learned advocates for the contending parties, it appears to this Court that justice would be sub-served if this Court directs the learned First Appellate Court to dispose of Misc. Appeal No. 119 of 2018 within a specified time.
7. Such being the position, this Court while disposing the instant revisional application directs the learned District Judge, North 24 Parganas to dispose of the Misc. Appeal No. 119 of 2018 positively within last day of June, 2024 either by himself or by transferring the said case record to any other jurisdictional Additional District Judge or Judge of the FTC in the meantime. However, the time limit as fixed by this Court for disposal of the said appeal is mandatorily be followed either by the learned District Judge, North 24 Parganas or by the learned transferee judge.
8. The operation of the order as passed under Section 5-B(1) of the Public Premises (Eviction of Unauthorized Occupants) Act, 1971 by the Estate Officer, Kolkata Circle on 05.11.2018 shall remain stayed till the last day of June, 2024 or till the disposal of the Misc. Appeal No. 119 of 2018 whichever is earlier with a

liberty to the present revisionist to pray for extension of stay order before the First Appellate Court, if occasion so arises.

9. With the aforementioned observation, the instant revisional application being **CO 139 of 2019** is disposed of.
10. Parties to act on the server copy of this order.
11. Urgent photostat certified copy of this order, if applied for be given to the parties, upon compliance of necessary formalities.

(Partha Sarathi Sen, J.)