

**IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE**

Present:

The Hon'ble Justice Joymalya Bagchi

And

The Hon'ble Justice Supratim Bhattacharya

***M. A. T. 888 of 2024
(CAN 1 of 2024)
(CAN 2 of 2024)***

***Shaibal Das & Ors.
-Vs-
Manmohan Sing & Ors.***

For the Appellants : Mr. Samim Ahammed, Adv.
Ms. Gulsanwara Pervin, Adv.
Mr. Aniruddha Singh, Adv.

For the Respondent : Mr. Gangadhar Das, Adv.
Nos.1 to 4 : Mr. Tanmoy Chattopadhyay, Adv.

For the State : Mr. Santanu Kumar Mitra, Sr. Govt. Advocate
Mr. Amartya Pal, Adv.

Heard on : 14.08.2024

Judgment on : 14.08.2024

Joymalya Bagchi, J. :-

Re : C. A. N. 2 of 2024

1. Applicants are the successful tenderers. They contend the work order had been issued in their favour on 06.03.2024. Without making them parties in the writ petition, respondent nos.1 to 4/writ petitioners

i.e. Sanchalaks of various Upa-samities of Kenddangri Gram Panchayat approached the Hon'ble Single Bench praying for setting aside the tender process which had already reached finality. These facts were not placed before the Hon'ble Single Bench and the order impugned came to be passed. Accordingly, they seek leave to prefer appeal and pray the impugned order be set aside.

2. On the other hand, learned Advocates for the respondent nos.1 to 4/writ petitioners and the State-respondents submit the grievance of respondent nos.1 to 4/writ petitioners i.e. the tender process was undertaken in violation of law had been referred to the SDO concerned and the SDO has already taken a decision in the matter.

3. From the aforesaid submissions as well as Annexure 'F' to the stay application, we note the SDO concerned has passed an order directing no further steps with regard to the tender shall be undertaken until and unless any decision in this regard is taken by the Artha-o-Parikalpana Upa Samity of Kenddangri Gram Panchayat. The order impugned has already been implemented. In the event, the applicants are aggrieved by the said order it is open to them to assail the same in accordance with law.

4. With these observations, application for leave to prefer appeal being CAN 2 of 2024 is disposed of.

5. In view of disposal of the application, appeal being MAT 888 of 2024 and connected application being CAN 1 of 2024 are also disposed of.

6. There shall be no order as to costs.

7. Photostat certified copy of this judgment, if applied for, be given to the parties on compliance of all formalities.

I agree.

(Supratim Bhattacharya, J.)

(Joymalya Bagchi, J.)

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