

D/L  
Item No. 08  
24.05.2024  
KOLE

**MAT 1004 of 2024  
With  
IA CAN 1 of 2024**

**Royal Calcutta Golf Club  
-Vs.-  
Barid Baran Roy & Ors.**

*Mr. Debabrata Saha Roy,  
Mr. Neil Basu,  
Mr. Sankha Biswas,*

*...for the appellant.*

*Mr. Biswajit Mukherjee,  
Mr. Debangshu Mondal,*

*...for the KMC.*

An order dated May 2, 2024, passed by a learned Judge of this Court in WPA 5626 of 2023, being a writ petition filed by the respondent no. 1 herein, is under challenge in this appeal at the instance of the respondent no. 5 in the writ petition being Royal Calcutta Golf Club (in short 'RCGC').

The respondent no. 1 herein approached the learned Single judge praying for primarily the following reliefs:

- (a) "A writ of/in the nature of Mandamus and/or order or orders and/or direction or directions of like nature commanding the respondent Nos. 1 to 4 to forthwith rectify the Assessment records of the premises no. 18, Golf Club Road (Uday Sankar Sarani), Kolkata-700033 having Assessee No. 210940300800 under Golf Green Police Station;*
- (b) A writ of/in the nature of Mandamus and/or order or orders and/or direction or directions of like nature commanding the respondent Nos. 1 to 4 to forthwith stop the issuance of Tax bills with a wrong recording of the name of the "Secy. Royal Calcutta Golf Club" under the Owner Information for the entire property at 18, Golf Club Road*

*(Uday Sankar Sarani), Kolkata-700033 against Assessee No. 210940300800;”*

It appears that the writ petition had been dismissed for default on December 7, 2023. However, on May 2, 2024 such dismissal order was recalled. The learned Judge noted the writ petitioner’s grievance that KMC has mutated the property in question in the name of RCGC in the absence of proper documents. The learned Judge merely called for a report from KMC.

Being aggrieved, the RCGC is before us by way of this appeal.

This appeal is not maintainable. The learned Judge has decided nothing by the order sought to be assailed before us.

Mr. Saha Roy, learned Advocate for the appellant says that his client should be permitted to urge the point of maintainability of the writ petition before the learned Single Judge. We do not think any express opportunity is necessary. A point of law can always be argued by any party before a learned Judge.

The appeal and the connected application stand disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

**(Arijit Banerjee, J.)**

**(Prasenjit Biswas, J.)**