

IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE

Present:

The Hon'ble Justice Joymalya Bagchi

And

The Hon'ble Justice Gaurang Kanth

MAT 1140 of 2024

with

CAN 1 of 2024

Ananda Gopal Maity

-Vs-

Midnapur Municipality & Ors.

For the Appellant

: Mr. Nilanjan Bhattacharjee
Mr. Abhilash Chatterjee
Mr. Saikat Dey

For the respondent no. 4

: Mr. Pingal Bhattacharyya
Mr. Rajdeep Sinha
Ms. Soumita Ghosh

**For the Midnapur
Municipality**

: Mr. Sujay Bandyopadhyay
Mr. Jagajyoti Das
Mr. P. Siddharto

For the Petitioner

: Mr. Bikash Ranjan Bhattacharya, Sr. Adv.
Mr. Nilanjan Bhattacharya
Mr. J. Chakraborty

Heard on

: 14.06.2024

Judgment on

: 14.06.2024

Joymalya Bagchi, J. :-

1. Appellant has assailed order dated 21.05.2024 whereby the learned Single Judge directed a competent person of Midnapur Municipality to conduct inspection.
2. Learned Counsel for the respondent/writ petitioner submits appeal is not maintainable. Appellant is not a party to the writ proceeding and has not sought leave to appeal against the order impugned. Secondly, the impugned order merely directs inspection to be done and is not appealable under Clause 15 of the Letters Patent.
3. Learned Counsel for the appellant submits he is a partner of the respondent no. 4/firm. The firm has preferred an appeal before the Appellate Tribunal against the order passed by the Chairman, Midnapur Municipality.
4. We have perused the impugned order. By the said order learned Single Judge merely directed joint inspection of the premises. The order does not adversely affect any valuable rights of the parties or finally decide any issue therein. It is open to the parties to take just objections to inspection report, if so advised. That apart, the appellant is not a party to the writ proceeding. Issue of maintainability is also kept open to be decided by the learned Single Judge.
5. With these observations, the appeal is dismissed.

6. In view of dismissal of appeal, connected application being CAN 1 of 2024 is also dismissed.

7. There will be no order as to costs.

I agree.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)

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