

07.10.2024
Item No.06
DL, Ct.19
A.J.

**IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION**

C.O. 3458 of 2024

Subhas Chandra Bose & Ors.

-Vs-

The Belgachia Friends' Union & Ors.

Mr. Partha Pratim Roy,
Mr. Srijib Chakraborty,
Ms. Debjani Sengputa.
.....for the petitioners.

Mr. Partha Sarathi Bhattacharyya,
Senior Advocate,
Mr. Raju Bhattacharyya.
.....for the opposite party no1.
Mr. Debjit Mukherjee,
Ms. Susmita Chatterjee.
.....for the K.M.C.

Affidavit of service filed on behalf of the
petitioners be kept with the record.

The defendants of the Title Suit No.101 of
2024, a suit challenging the validity and legality
of building sanction Plan issued by the concerned
authorities of the KMC in their favour, are the
petitioners of the present application under
Article 227 of the Constitution of India.

The said suit is pending before the 2nd
Court of the learned Civil Judge (Junior Division),
Sealdah, District : 24-Parganas (South).

The learned Trial Judge by the Order
No.01 dated September 03, 2024 has refused the
prayer of the plaintiff, the opposite party no.1
herein for an ad interim order of injunction.

The plaintiff, aggrieved by the said order has preferred the connected Misc. Appeal No.58 of 2024 which is pending before the 1st Court of the learned Additional District Judge, Sealdah.

The Appeal Court below by the order impugned dated September 03, 2024 has passed an ad interim order of injunction by directing both the parties to maintain *status quo* till October 03, 2024 which was subsequently extended till January 24, 2025.

Mr. Partha Sarathi Bhattacharyya, learned Senior advocate for the opposite party no.1 submits that the scope of challenge to the impugned plan since is very narrow, his client intends to challenge the legality and validity of the said Plan in a writ proceeding and to facilitate it, does not want to proceed with the suit.

In view of such stand of the plaintiff, the aforesaid Title Suit No. 101 of 2024 along with all pending applications filed by the plaintiff are dismissed as not pressed, other applications, if there be any, are also dismissed as infructuous; in consequence, the Misc. Appeal No. 58 of 2024 also stands dismissed as infructuous.

Needless to say, this order will not prevent the plaintiff to take appropriate steps to challenge the impugned building plan in accordance with law.

C.O. 3458 of 2024 is disposed of accordingly without any order as to costs.

Urgent Photostat certified copies of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)