

09.01.2024
Item no.4.
Court No.6.
AB

M.A.T. 2167 of 2023
With
IA CAN 1 of 2023

Mrinmoy Bhandary
Vs
Mamata Tikader & Others

Md. Mosiar Rahamanfor the Appellant.

Ms. Noelle Banerjee,
Ms. Kalpita Paulfor the State.

A judgment and order dated October 3, 2023, whereby the writ petition of the respondent nos.1 to 3 herein, being WPA 16732 of 2023, was disposed of by a learned Judge of this Court, is sought to be assailed in this appeal at the instance of the private respondent in the writ petition.

By the order impugned, the learned Judge has directed implementation of a demolition order apparently passed by the Pradhan of the concerned Panchayet. Learned Advocate for the appellant says that in fact, no demolition order has been passed by the Pradhan.

We notice that the appellant/private respondent was not represented before the learned Single Judge on the day the writ petition was disposed of. The appellant/private respondent chose to stay away from the proceedings before the learned Judge. Hence, we are not inclined to entertain this appeal. It will not be

fair to sit in appeal over a judgment and order at the instance of a party, who did not deem it necessary to participate in the proceedings before the learned Single Judge.

Learned Advocate for the appellant says that the appellant had engaged a learned lawyer who failed to appear before the learned Judge. That may be so, and that may or may not be sufficient cause for absence of the appellant before the learned Single Judge on the day the matter was decided. The appellant will be at liberty to approach the learned Single Judge with an appropriate application, if he is entitled to do so in law.

We are not inclined to interfere.

The appeal and the stay application are, accordingly, dismissed, without any order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied expeditiously after compliance with all the necessary formalities.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)

