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08-01-2024
(Ct. no.06)
debajyoti

**IN THE HIGH COURT AT CALCUTTA
Civil Appellate Jurisdiction
APPELLATE SIDE**

**MAT 2277 of 2023
+
IA NO:CAN/1/2023**

**Akher Ali Mondal & Anr.
Vs.
The State of West Bengal & Ors.**

Mr. Ashim Kumar Rauth,
Mrs. Anindita Auddy (Das)
... For the Appellants.

Mr. Sirsanya Bandopadhyay,
Mr. Arka Kumar Nag,
Mr. Tirthankar Dey
... For BMC.

Mr. Prantick Ghosh
... For the Private Respondents..

Read order dated December 21, 2023.

Today, we have heard learned counsel for the parties. We are of the opinion that ends of justice will be served if the matter is remanded to the learned judge having determination, to hear afresh the applications disposed of by the order under appeal. This is because the order impugned is too cryptic.

The order under appeal is set aside. The applications which were disposed of by the order under appeal are remanded to the learned Judge having determination to hear the applications afresh, if necessary, after exchange of affidavits.

We have not touched the merits of the matter. Let the order of *status quo* that was passed on December 21, 2023 continue till the end of this

month. The appellants will be at liberty to pray for extension of the order before the learned Single Judge, who is requested to consider such prayer independently of the fact that we have continued the order of *status quo* till the end of this month. We put on record the submission made on behalf of the private respondents that the order that has been challenged in the writ petition being WPA 9611 of 2023, has already been implemented. This submission is disputed by the appellants.

The appeal and the connected application are, accordingly, disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

Urgent photostat certified copies of this order, if applied for, be supplied to the parties on compliance of all necessary formalities.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)