

29.04.2024
Item No.7
gd/ssd

MAT/2390/2023
IA NO: CAN/1/2023
STEEL AUTHORITY OF INDIA AND ORS.
VS
PRIYADARSHINI EDUCATIONAL SOCIETY AND ANR.

Mr. Kallol Basu,
Mr. Nilanjan Pal,
Mr. Swapnamoy Sarkar
..for the Appellants.

Mr. Pradyumna Sinha,
Mr. Sannidhya Datta
..for the Respondents.

1. This intra court appeal by the respondents in the writ petition is directed against the interim order dated 06.10.2023 passed in WPA 22009 of 2023 by which the learned Single Bench has recorded certain prima facie findings and granted the order of interim stay. In more than one place the learned Single Bench has recorded that the writ petitioners have made out a strong prima facie case for the writ petition to be heard on merits.

2. Therefore, the appellants/respondents cannot be stated to be wholly aggrieved by such prima facie findings since the learned writ court has directed the appellants/respondents to file their affidavit-in-opposition within November 24, 2023 and reply, if any, to be filed by December 08, 2023.

3. Admittedly, the appellants/respondents did not file their affidavit-in-opposition and have moved this appeal on 08.12.2023.

4. In the light of the fact that the writ court was satisfied that the writ petition has to be heard, we are of the view that it will be inequitable to disturb the interim order granted by the learned writ court.

5. At this juncture, more so when the court has granted such an interim order only on a prima facie consideration of the submission made before us, therefore, the appellants' rights are fully safeguarded as the writ petition will be heard out on merits by the learned Single Bench.

6. The appellants are directed to file their affidavit-in-opposition in the writ petition within three weeks from date; reply, if any, within two weeks from the date of receipt of the affidavit-in-opposition.

7. List the writ petition before the learned Single Bench in the week commencing 10th June, 2024.

8. With the above direction, the appeal stands disposed of.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)