

Form No. J.(2)  
Item No.10

**IN THE HIGH COURT OF JUDICATURE AT CALCUTTA  
CIVIL APPELLATE JURISDICTION  
APPELLATE SIDE**

HEARD ON: 29.04.2024  
DELIVERED ON: 29.04.2024

**CORAM:**

**THE HON'BLE MR. CHIEF JUSTICE T.S. SIVAGNANAM  
AND  
THE HON'BLE MR. JUSTICE HIRANMAY BHATTACHARYYA**

**M.A.T. 2425 of 2023  
With  
I.A. No. CAN 1 of 2023**

**State of West Bengal & Ors.  
Versus  
Sankar Ghosh & Ors.**

**Appearance:-**

**Mr. Kishore Dutta, Ld. A.G.  
Mr. Amitesh Banerjee, Sr. Adv.  
Mr. Rudrajit Sarkar  
Ms. Amrita Panja Moulick**

**.....for the Appellants**

**Mr. Rajdeep Majumder  
Mr. Moyukh Mukherjee  
Ms. Sagarika Banerjee  
Mr. Souvik Palodhi**

**.....for the respondent**

**JUDGMENT**

***(Judgment of the Court was delivered by T.S. SIVAGNANAM, C.J.)***

1. This intra-Court appeal by the State is directed against an interim order passed in a writ petition being W.P.A. 27100 of 2023 dated 7<sup>th</sup> December, 2023.
2. We find that the order to be a reasoned order, wherein the learned Single Bench has noted the submission made on either side and also specifically noted that the appellants/State want to file an affidavit in the matter before it is finally decided. Further, the learned Single Bench has noted that the matter needs to be heard at length.
3. We are informed that the writ petition is now listed before the learned Single Judge and likely to be taken up in May, 2024. The stay has been in force since 7<sup>th</sup> December, 2023. We do not find any perversity in the order for us to interfere with the order at this stage, more so when, the appellants wanted to file an affidavit before the matter is finally decided, which has been specifically noted by the learned Single Bench.
4. Apart from that the learned Single Bench upon hearing the learned advocates on either side has opined that the matter needs to be heard at length.
5. Therefore, we are not inclined to interfere with the discretion exercised by the learned Single Bench.
6. Accordingly, appeal along with the connected application (I.A. No. CAN 1 of 2023) stand dismissed.
7. The State is yet to file their affidavit-in-opposition in the writ petition though a time was specified by the learned writ court.

8. The learned Advocate General submits that the time for filing affidavit-in-opposition on this issue may be extended.
9. The time for filing affidavit-in-opposition is extended by three weeks from the date of receipt of server copy of this order, reply thereto, if any, be filed two weeks thereafter.
- 10.No costs.
- 11.Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

**(T.S. SIVAGNANAM)**  
**CHIEF JUSTICE**

I agree.

**(HIRANMAY BHATTACHARYYA, J.)**