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08.01.2024
Ct. No.1
Sws.m

IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri

MAT 184 of 2023
CAN 1 of 2023

Krishna Devi
Vs.
Sanjoy Ghosh & Ors.

Mr. Nabankur Paul
....for the Appellant

Mr. Momenur Rahman
..for the State

Mr. Deborshi Dhar
..for the Siliguri Municipal Corporation

Mr. Sudipto Majumder
Mr. Shubhankar Dutta
..for the respondent

Heard Mr. Nabankur Paul, learned counsel for the appellant, Mr. Momenur Rahman, learned advocate for the State, Mr. Deborshi Dhar, learned counsel for the Siliguri Municipal Corporation and Mr. Sudipto mazumder, learned counsel for the respondent.

This intra-Court appeal has been filed praying to set aside the interim order dated 27.09.2023 in WPA 2235 of 2023 (Sanjoy Ghosh vs. State of West Bengal & Ors.) passed by the learned Single Judge,

whereby, the learned Single Judge has stayed the operation of the order dated 17.08.2023 for a period of 4 weeks from date on the ground that if the aforestated order of demolition is implemented, it shall render the writ petition infructuous without allowing the petitioner to avail his remedy of appeal.

Against the aforesaid order of the learned Single Judge, the appellant herein has filed an intra-Court appeal.

Undisputedly, in terms of the interim order dated 27.09.2023 in WPA 2235 of 2023 notice has been served upon the appellant herein. The only grievance of the appellant is that the impugned interim order has been passed ex-parte, without hearing the appellant.

We have carefully considered the submissions of learned counsel for the parties and perused the records of this Court.

We find that merely an interim protection has been granted by the impugned interim order dated 27.09.2023. Under the circumstances and considering the facts of the present case, we do not find any good reason at this stage to interfere with the impugned interim order dated 27.09.2023. Therefore, the appeal is dismissed, leaving it open to the petitioner to apply for vacation of interim order. We also make it open for the parties to request the

writ court for expeditious disposal of the writ petition and in the event such a request is made by either of the parties, the writ court may consider it.

Subject to the aforesaid observation the appeal is **dismissed**.

(Surya Prakash Kesarwani, J.)

(Rai Chattopadhyay, J.)