

February 18, 2025
Sl. No.10
Court No.6
s.biswas

CO 498 of 2025

Irfan GAzi @Arfan Gazi
vs.
Noor Mohammad Gazi and others

Mr. Anirban Mitra
Mr. Amit Halder
Mr. Amit Roy

... for the petitioner

Mr. Animesh Paul
Ms. Susmita Ghorai
Ms. Aindrila Chatterjee

... for the opposite party nos.1, 2 & 3

1. Affidavit of service filed on behalf of the petitioner is taken on record.
2. This application under Article 227 of the Constitution of India is at the instance of the defendant no.5 and is directed against an order dated 9th December, 2024 passed by the learned Civil Judge (Senior Division), Basirhat, North 24 Parganas in Title Suit No.486 of 2024.
3. By the impugned order, the application under Section 151 of the Code of Civil Procedure dated 4th October, 2024 filed by the opposite party nos.1, 2 and 3 herein was allowed and the petitioner herein was directed to clear the illegally constructed pathway at the southern side of the suit plot being east-west direction and restore status quo which is still in force till date upon the suit property.
4. Mr. Mitra, learned advocate appearing on behalf of the petitioner, in his usual fairness, submits

that the plaintiffs/opposite parties herein removed the pathway pursuant to the liberty granted by the learned trial Judge by the said order.

5. Therefore, no useful purpose will be served by keeping this application pending. Accordingly, the same stands disposed of with liberty to the petitioner herein to move his application for recalling dated 9th January, 2025 which is pending before the learned trial court. The learned trial Judge is directed to consider the said application and dispose of the same by passing a reasoned order after giving an opportunity of hearing to the respective parties.
6. No order as to costs.
7. Urgent photostat certified copy of the order, if applied for, be given to the parties, upon compliance of all necessary formalities.

(Hiranmay Bhattacharyya, J.)