

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

HEARD ON: 16.04.2025

DELIVERED ON: 16.04.2025

**CORAM:
THE HON'BLE CHIEF JUSTICE T.S. SIVAGNANAM
AND
THE HON'BLE JUSTICE CHAITALI CHATTERJEE (DAS)**

**M.A.T. 628 of 2023
With
I.A. No. CAN 1 of 2023
With
I.A. No. CAN 2 of 2025**

**Ashadul Molla
Vs.
The State of West Bengal & Ors.**

Appearance:-

Md. Yunush Mondalfor the appellant

**Ms. Piyali Sengupta,
Ms. Tuli Sinhafor the State**

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

In re : CAN 1 of 2023

1. Since the appellant was not impleaded as the respondent in the writ petition and the appellant is aggrieved by certain observations made in the impugned order, leave to file this appeal is granted.
2. IA CAN 1 of 2023 is disposed of.
3. We note that there is a delay of 99 days in filing the appeal. Since the appellant was not a party and the explanation offered is satisfactory, the delay in filing the appeal is condoned.

In re : MAT 628 of 2023

4. This intra-court appeal by a third party to WPA 21370 of 2022 is directed against the order dated December 2, 2022 by which the writ petition was disposed of with certain directions.
5. The appellant submitted that the writ petitioner suppressed an earlier order dated February 12, 2021, passed at the instance of the writ petitioner in WPA 6150 of 2020 and obtained certain directions behind the back of the appellant. Therefore, it is submitted that the order impugned should be set aside.
6. We have elaborately heard learned advocate for the appellant and the learned advocate appearing for the State-respondents. Firstly, we note that the order was passed on December 2, 2022 and the appellant has approached this Court at this juncture after more than two years. That apart, the learned Advocate for the appellant would submit that an appeal has been filed by the appellant as against an order of injunction granted by the Trial Court and the matter is pending before the learned District Judge.
7. In any event, the order impugned directs police picket for a period of two weeks, which order has already worked itself out. Apart from that the learned Single Bench has noted that a case has been registered by the Deganga Police Station in which charge sheet has been submitted on August 26, 2021.
8. The learned Writ Court has not decided the rights of the parties but directed the police to make necessary enquiry and submit appropriate report before the Civil Court.

9. Therefore, we are of the view that the question of setting aside the impugned order would not arise as much of the direction issued in the impugned order has worked itself out.
10. However, we make it clear that any observation made in the impugned order will not prejudice the appellant in the civil proceedings which are now stated to be pending before the District Court or in the civil suit which is pending before the Civil Judge (Junior Division), 1st Court, Barasat in Title Suit No. 634 of 2018.
11. The learned Trial Court as well as the Appellate Court shall decide the rights of parties based on the oral and documentary evidence produced before it uninfluenced by any observation made in the impugned order.
12. With the above observations, the appeal is disposed of along with the connected applications.
13. No costs.
14. 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.

(CHAITALI CHATTERJEE (DAS), J.)