

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

Present:
The Hon'ble Justice Debangsu Basak
And
The Hon'ble Justice Prasenjit Biswas

**M.A.T. 820 of 2025
With
CAN 1 of 2025
CAN 2 of 2025
CAN 3 of 2025**

**J. Uttam Mandal
vs.
Sri Tapan Mallick alias Tapan Kumar Mallick & Ors.**

For the Appellant : Mr. Sanjay Saha

For the Respondent No. 1 : Mr. Debnath Ghosh, Sr. Adv.,
Mr. Joyjit Roychoudhury

Heard & Judgment on : **July 7, 2025**

DEBANGSU BASAK, J.:-

1. Appeal is at the behest of a person who is not a party to the writ petition in which the impugned order was passed.
2. CAN 2 of 2025 is an application for leave to appeal.
3. Appellant claims right, title and interest in respect of an immovable property which is the subject matter of the writ petition in which the impugned order was passed.

4. In view of the claim of title made by the appellant in respect of the immovable property, we deem it appropriate to grant leave to the appellant since the impugned order directs the Digha Shankarpur Development Authority to take steps with regard to a mutation application made at the behest of the private respondent in respect of immovable property over which the appellant claims right, title and interest.
5. CAN 2 of 2025 is disposed of accordingly.
6. CAN 1 of 2025 is an application for condonation of delay. Since the appellant was not a party to the writ petition in which the impugned order was passed and since the appellant claims to derive knowledge subsequent to the order being passed, we accept such explanation for the condonation of delay. Delay in making and filing the appeal is condoned.
7. CAN 1 of 2025 is allowed.
8. CAN 3 of 2025 is an application at the behest of the appellant seeking interim protection in the appeal.
9. Learned senior advocate appearing for the private respondent submits that the Digha Shankarpur Development Authority taking note of the fact that there is an application for revocation of the probate granted in favour of the private respondent decided to adjourn the mutation proceeding till the disposal of such revocation proceeding. In any event, he submits on instruction that the private respondent wishes to withdraw the writ petition being W.P.A. 5158 of 2025.

10. We find from the records that there is an agreement entered into in respect of the immovable property where the private respondent was a signatory. We also find from the records that the private respondent applied for grant of a probate in respect of a Will of the original owner and that probate in respect of such Will was granted. The appellant before us applied for revocation of the probate granted which is pending consideration.
11. It is in this factual matrix that the private respondent filed the writ petition in which the impugned order was passed.
12. Since the private respondent expresses the desire to withdraw the writ petition, we set aside the order impugned dated March 17, 2025 passed in W.P.A. 5158 of 2025. We allow the private respondent to withdraw his writ petition.
13. M.A.T. 820 of 2025 and the connected applications stand disposed of.

(Debangsu Basak, J.)

14. I agree

S.D.

(Prasenjit Biswas, J.)