

DL-9

31.10.2025
Court No.26
(AD)

MAT 1209 of 2025
With
IA No.: CAN 3 of 2025

Minara Bibi & Anr.
Vs.
State of West Bengal & Ors.

Mr. Amlanjyoti Sengupta, Advocate
Mr. Arunava Mukherjee, Advocate
... for the appellants.

Mr. Amal Kumar Sen, Ld. AAG
Mr. Asis Dutta, Advocate
... for the State

1. IA No.: CAN 3 of 2025 is an application for recalling of an order dismissing the appeal along with connected applications for default.
2. State is represented.
3. For the ends of justice, the causes shown are accepted as sufficient.
4. Order dismissing the appeal along with connected applications is recalled.
5. MAT 1209 of 2025 along with connected applications CAN 1 of 2025 and CAN 2 of 2025 are restored to their original file and number.
6. IA No.: CAN 3 of 2025 is allowed.
7. IA No.: CAN 2 of 2025 is an application for condonation of delay in making and preferring the appeal.
8. Department reports that the delay is of 98 days.
9. For the ends of justice, the averments made in the application for condonation of delay are accepted

as sufficient.

10. Delay in making and filing the appeal is condoned.
11. IA No.: CAN 2 of 2025 is disposed of.
12. Appeal is taken up for final hearing.
13. Appeal is at the behest of the writ petitioners and is directed against the order dated March 25, 2025 passed in WPA 5559 of 2025.
14. By the impugned order, the learned Single Judge noted that, there are two civil suits pending between the parties and that, there are civil disputes between the private parties.
15. Learned Advocate appearing for the appellants/writ petitioners submits that, one civil suit of 2014 was dismissed and that in the subsequent civil suit, the private respondent is not a party defendant. He submits that, the private respondent is preventing the appellants from enjoying their immovable property.
16. Apparently, there are civil disputes between the private parties. One civil suit apparently was dismissed. There is another civil suit which is still pending.
17. Be that as it may, since there exists civil disputes between the private parties, learned Single Judge rightly refused to exercise discretionary jurisdiction under Article 226 of the Constitution of India.

18. In such circumstances, we find no merit in the appeal.

19. **MAT 1209 of 2025** and **IA No.: CAN 1 of 2025** are **dismissed** without any order as to costs.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)