

21.04.2025
SI No.1
Court No.8
(gc)

**FMA 127 of 2025
CAN 2 of 2024**

**Administrator, Debhog Shyamacharan
Milan Vidyapith (Govt. Sponsored)
Vs.
Swapan Kumar Sau & Ors.**

Mr. Kanai Lal Samanta
... for the Appellant.
Mr. Anjan Bhattacharya,
Ms. Anita Shaw
...for the Respondent No.1/
Writ petitioner.
Mr. Supriyo Chattopadhyay, Ld. A.G.P.,
Mr. Manaj Kr. Mondal
...for the State Respondents.

1. In spite of giving opportunity to the writ petitioner to file an affidavit, no affidavit-in-opposition has been filed as yet. It appears that the writ petitioner had taken a loan and there has been a dispute between the petitioner and the cooperative society with regard to the repayment of the loan. It is submitted that because of failure of the writ petitioner to repay the loan amount in full, recovery was made from the salary account. Since the appellant was not represented before the learned Single Judge, this aspect of the matter was not being considered.
2. We are of the view that the appellant has made out a prima facie case. However, having regard to the fact that the appellant could not present the case in full and in the event it is

established in the writ petition that the appellant is entitled to recover amount from the salary to release the remaining dues in the loan account, we set aside the order impugned and the writ petition will now be heard by the learned Single Judge.

3. The appellant shall file an affidavit-in-opposition before the learned Single Judge within two weeks from date. Reply thereto, if any, be filed within one week thereafter.
4. The directions are peremptory.
5. Liberty to mention after the affidavits are complete.
6. We make it clear that we have not gone into the merits of the matter and the writ petition shall be decided uninfluenced by the observation made by us in this order.
7. Accordingly, the appeal and the application are disposed of.
8. However, there shall be no order as to costs.
9. Urgent Photostat certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Soumen Sen, J.)

(Smita Das De, J.)