

03.12.2025
Ct. No.13
Supp. Sl. Nos.1 & 2
akd

M. A. T. 2018 of 2025
with
F. M. A. 1129 of 2025

[Jiban Chandra Das -Vs- The State of West Bengal & Ors.]

Mr. Rananeesh Guha Thakurta
Ms. Senjuti Sengupta
Mr. Pulin Chandra Maity
... ... for the appellant

Re : F. M. A. 1129 of 2025

1. FMA 1129 of 2025 that was directed to be listed along with this appeal was filed against the order dated 06.05.2025 passed in WPA 7020 of 2025 (*Jiban Chandra Das vs. The State of West Bengal & Ors.*). By the impugned order dated 06.05.2025, the Single Bench directed the respondent no.3 to comply with the court's order dated 31.01.2017 within two months.
2. The Serampore Municipality has challenged the said order before this Court by filing FMA 1129 of 2025.
3. Nobody appears on behalf of the Serampore Municipality today.
4. Let copy of this order be served upon Mr. Goutam Lahiri, learned Advocate for the respondent-Municipality intimating the next date of hearing.
5. List FMA 1129 of 2025 for hearing on **05.12.2025**.

Re : M. A. T. 2018 of 2025

6. The instant appeal has been filed against the order dated 12.11.2025 passed in CPAN 1260 of 2025 (*Jiban Chandra Das vs. Giridhari Saha (Serampore Municipality)*]. By the said order, the Single Bench has dismissed the contempt application

alleging violation of the court's order dated 06.05.2025. The Single Bench dismissed the contempt application on the ground that FMA 1129 of 2025 was already pending before this Bench.

7. It is now well settled that mere pendency of an appeal will not stay or extinguish the order appealed from unless there is a specific direction in that regard from the Division Bench.

8. Having regard to the above, MAT 2018 of 2025 is allowed and disposed of.

9. The order of the Single Bench dismissing the contempt application being CPAN 1260 of 2025 is set aside.

10. The learned Advocate for the appellant is directed to communicate this order to the Municipality concerned.

(Rajasekhar Mantha, J.)

(Ajay Kumar Gupta, J.)