

03.09.2025
Item No.7
PG/KS
Ct. No.1

**F.M.A. 137 of 2025
With
I.A. No. CAN 3 of 2025**

**Biswanath Dey
Versus
The State of West Bengal & Ors.**

Mr. Amitabha Ghosh
Mr. Madan Mohan Roy
Mr. Haripada Nayak
Ms. S. De

.....For the Appellant
in F.M.A. 137 of 2025

Mr. Suman Sengupta
Ms. Amrita Panja Moulick

.....For the State

Mr. Shankar Prasad Dalapati
Mr. Pritam Chowdhury
Mr. Asumdipta Santra

.....For the Private Respondent Nos.9 to 12

In Re:- I.A. No. CAN 3 of 2025

1. This application has been filed by the appellant in F.M.A. 137 of 2025 contending that the applicant in I.A. No. CAN 2 of 2025 has misused the order dated 4th July, 2025 and taken forcible possession of the appellant's shop room. In this application i.e., I.A. No. CAN No.3 of 2025, the applicant prays for an order of clarification or modification of the order dated 4th July, 2025 and to frame a guideline that the applicant can perform Durga Puja for the subsequent years without disturbing the peaceful possession of the petitioner over the godown comprised within the Mouza – Chaktarani, J.L. No.401, L. R. Khatian No.444, R.S.

& L.R. Plot No.121/376 with the jurisdiction of Salboni Police Station.

2. In our considered view, if according to the petitioner/applicant, the shop room has been illegally taken over, it is a separate cause of action and while disposing of the application being, I.A. No. CAN 2 of 2025, we had recorded the submission made on behalf of the writ petitioner/appellant that he will not object to the conduct of the Durga Puja for the year 2025 and this submission was placed on record.
3. Therefore, if anything has occurred, which according to the petitioner, has affected his interest, it will be well-open to the applicant/petitioner to avail appropriate remedies before the appropriate forum in accordance with law.
4. Accordingly, the application being, I.A. No. CAN 3 of 2025 stands disposed of.
5. It is made clear that no further application shall be entertained in this appeal at the instance of any of the parties.
6. 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

(CHAITALI CHATTERJEE (DAS), J.)