

**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE JURISDICTION**

18 22.1.2025
Sc Ct. no. 2

WPA 2633 OF 2024

Sri Sukumar Ghosh & Anr.

Vs.

The State of West Bengal & Ors.

Mr. Sandip Mandal
Mr. Amit Saha.

....For the Petitioners

Mr. Nabankur Paul
Ms. Pratusha Dutta Chowdhury.

....For the Respondent
Nos. 1 to 3

Dr. Navin Barik
Ms. Esha Acharya.

.... For the Respondent
Nos. 4 to 7

Affidavit-of-service, filed today in Court, is taken on record.

Mr. Sandip Mandal, learned Advocate appears for the petitioners.

Mr. Nabankur Paul, learned Advocate appears for the respondent nos. 1 to 3.

Ms. Esha Acharya, learned Advocate led by Dr. Navin Barik appears for the respondent nos. 4 to 7.

Referring to the appeal, **Annexure-P8 at page 41** to the writ petition, learned Advocate for the petitioners submits that, the first appellate authority has not yet disposed of the appeal and the same is still pending.

In view of the above, the first appellate authority being the respondent no.3 shall dispose of the said pending appeal after granting an opportunity of hearing to the parties thereto and then by passing a reasoned order in accordance with law.

The entire exercise shall be carried out and completed by the respondent no.3 positively within a period of **four weeks** from the date of communication of this order.

It is made clear that, this Court has not gone into the merits of the claim of the parties and the parties to the appeal shall be at liberty to urge whatever points they wish to urge before the appellate authority but the same shall not travel beyond the scope of the pending appeal.

Since affidavits are not called for, the allegations made in this writ petition are deemed not to have been admitted by the respondents.

With the above observations and directions this writ petition, **WPA 2633 of 2024** stands **disposed of**, without any order as to costs.

Photostat certified copy of this order, if applied for, be furnished expeditiously.

(Aniruddha Roy, J.)