

11.03.2026
Item No.56
Ct. No.1
KS

M.A.T. 107 of 2020

**The Secretary, Purbachal Co-operative Housing Society
Vs.
Sandhya Sardar & Ors.**

Mr. Ayan Banerjee
Ms. Debasree Dhamali
Ms. Riya Ghosh
Ms. Debolina Ghosh

..... For the Appellant

Mr. Nilotpal Chatterjee
Mr. Tirthankar Dey

.....For the State

Mr. Mukteswar Maity
Ms. Manika Sarkar

.....For the Respondent Nos.1 to 4

PER, SUJOY PAUL, CJ.:

1. Learned counsel for the appellant seeks to withdraw this appeal with the liberty to assail the order dated 31st October, 2017 in appropriate proceedings, which liberty has been granted by the learned Single Judge to the appellant in the impugned order dated January 6, 2020. However, Sri Banerjee, learned counsel submits that in this appeal, an interim protection was given to him and said protection although was not extended during the Covid period. But, fact remains that it was never

specifically vacated as well. He will file appropriate proceedings within seven days and till such time, he may be given protection.

2. Sri Nilotpāl Chatterjee, learned Government Counsel, has no objection to this innocuous prayer.
3. Learned counsel for the respondents/writ petitioners has no objection so far withdrawal of intra-Court appeal is concerned, however, he vehemently opposed the proposal of granting interim order for a period of seven days.
4. Since, learned Single Judge has already granted liberty to the appellant to file appropriate proceedings, we find no reason not to permit the appellant to withdraw the appeal. Since, he was earlier protected by interim order, his prayer for extending that protection umbrella for seven more days is quite reasonable.
5. Accordingly, this intra-Court appeal is permitted to be withdrawn with liberty prayed for with the observation that the said interim protection shall remain in operation for seven working days from today.

6. It is, however, made clear that this Court has not expressed any opinion on merits.
7. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(SUJOY PAUL, CJ.)

(PARTHA SARATHI SEN, J.)