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26.05.2026
Ct. No.8
Vacation Bench
rc/dc

IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION

MAT 926 of 2026
With
CAN 1 of 2026

Samir Halder & Ors.
Vs.
The State of West Bengal & Ors.

Mr. Sabyasachi Chatterjee,
Mr. Pintu Karar,
Mr. Rishab Ahmed Khan ...for the Appellants.

Mr. D. N. Ray, Ld. G.P.,
Ms. Sushmita Saha Dutta, Ld. AGP,
Ms. Jayita Dhar,
Ms. Sarda Sha ...for the State.

1. Affidavit-of-service filed by the appellants be kept with the record.
2. This intra court appeal assails an order dated May 21, 2026 passed by an Hon'ble Single Judge in WPA 6951 of 2025 whereby the Hon'ble Single Judge has declined interim order.
3. The writ petition has been pending since long 2025. The appellants/writ petitioners pressed the writ petition before the Hon'ble Single Bench citing urgency.
4. On such urgency being cited, the Hon'ble Single Bench took up the petitioners' application on May 21, 2026 and has found that there is no scope for passing any interim order at this stage as no interim order had been passed on July 29, 2025 when the writ petition was initially moved. The writ petition has been made returnable after the ensuing Summer Vacation. This Court notes that on August 5, 2025 a report had been

called for from the Respondent State Authorities in view of “disputed position”.

5. The appellants submit that urgency has arisen in view of the notice dated May 19, 2026 that has been issued to the petitioners granting them seven days’ time to vacate the land occupied by them.
6. Having regard to the fact that no interim order was passed when the writ petition was initially moved and the writ petition has been filed seeking quashment of Nischinda P.S. Case No. 152/25 dated June 12, 2023 any stay of notice dated May 19, 2026 could not have been granted.
7. We do not find any infirmity with the order dated May 21, 2026 whereby the learned Single Judge has refused to pass any interim order. We may remember that this is an intra-court appeal where interference with an order passed by an Hon’ble Single Bench is only permitted when the order impugned is clearly wrong and not when it is simply not right.
8. There is no merit in the present appeal.
9. Hence, the appeal being MAT 926 of 2026 along with CAN 1 of 2026 stands dismissed. No costs.
10. The petitioners shall be free to urge all points before the Hon’ble Single Judge where the petitioners’ writ petition is pending.

(Tirthankar Ghosh, J.)

(Om Narayan Rai, J.)