

**IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE**

Present:

The Hon'ble Justice Debangsu Basak

And

The Hon'ble Justice Md. Shabbar Rashidi

M.A.T. 1278 of 2025

Sri Ashutosh Das & Ors.

vs.

The State of West Bengal & Ors.

With

CAN 1 of 2025

For the Appellants : Mr. Tapas Kumar Bhattacharya
Mr. Purnasis Bhuniya

For the Respondent Nos. 1 & 2 : Mr. Sobhan Majumder

For the State : Mr. Swapan Banerjee
Mr. D.N. Banerjee

Heard & Judgment on : **August 25, 2025**

Debangsu Basak, J.:-

1. Appeal is at the behest of the private respondent and directed against order dated July 29, 2025 passed in W.P.A. No. 15888 of 2025.
2. Learned advocate appearing for the appellants submits that, the appellants received service of the writ petition on July 30, 2025. The impugned order was passed on July 29, 2025. Therefore, according to him, they should be

afforded an opportunity of hearing before the learned Single Judge. They seek to canvass various points on merits.

3. State and the private respondent are represented.
4. We enquired learned advocate appearing for the writ petitioner as to the date of service of the writ petition upon the appellants before us.
5. Apparently, the private respondent was served with the copy of the writ petition on July 30, 2025 while the impugned order was passed on July 29, 2025.
6. Purely on the ground that the appellants should be afforded a reasonable opportunity of hearing and since the appellants received the writ petition on July 30, 2025 while the impugned order was passed on July 29, 2025, we set aside the impugned order dated July 29, 2025.
7. We remand W.P.A. 15888 of 2025 for fresh hearing on merits. We clarify that we did not enter into the merits of the rival contentions of the parties.
8. **M.A.T. 1278 of 2025** and the connected application being **CAN 1 of 2025** are **disposed of**.

(Debangsu Basak, J.)

9. I agree

S.D.

(Md. Shabbar Rashidi, J.)