

05.01.2026.
Court No.13
Item No. 10
ap

**M.A.T No. 2000 of 2025
With
I.A. No. CAN 1 of 2025**

**Amalendu Dubey & Ors.
Versus
The State of West Bengal & Ors.**

Mr. Krishnendu Sarkar,
Ms. Meghla Das.

...For the appellants.

Mrs. Arpita Mondal.

...For the State.

1. Supplementary affidavit filed in Court today be taken on record.
2. The appellants are aggrieved by an order dated 27th October, 2025 passed by a learned Single Judge of this Court in W.P.A. No. 17839 of 2024 whereby the writ petition was disposed of, inter alia, on the ground that there was no sanction obtained by the appellants for effecting construction of a property.
3. The learned Single Judge also found that the property was situated at public road and was causing inconvenience to several persons.
4. Learned Counsel for the appellants, Mr. Krishnendu Sarkar, submits that his clients were never notified of the filing of the writ petition or served a copy thereof. It is submitted that prior to the matter being taken up by the learned Single Judge of this Court, the private respondents/appellants were not notified. It is further alleged that the construction is more than 75 years old.

5. This Court is of the view that if the appeal is entertained, the parties may lose the Forum. The appellants are, therefore, granted liberty to file an application, before the learned Single Judge of this Court, with sufficient grounds to demonstrate that the matter was proceeded ex parte without due notice to him.

6. The learned Single Judge may upon such application being filed decide the same on merits and take a decision in the matter as he may deem fit and proper in the facts of the present case. The Sub-Divisional Officer, Ranaghat shall not take steps to demolish the appellants' premises for a period of three weeks from date.

7. The aforesaid period of three weeks is only to enable the appellants to take steps.

8. The learned Single Judge of this Court shall proceed with the matter uninfluenced by any observations or accommodation granted to the appellants herein.

9. With the aforesaid directions, the instant appeal shall stand disposed of.

10. In view of disposal of the appeal itself, the connected application being CAN 1 of 2025 shall also stand disposed of.

11. There will be no order as to costs.

12. All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

(Ajay Kumar Gupta, J.)