

20.02.2026
Court No.13
Item Nos.2-3
pk

MAT 2133 of 2025
CAN 1 of 2025, CAN 2 of 2026

Md. Shahabuddin @ Bhola
Vs.
Asraf Hossain and others

With

MAT 2134 of 2025
CAN 1 of 2025, CAN 2 of 2026

Md. Shahabuddin @ Bhola
Vs.
Asraf Hossain and others

Mr. Supratin Basu

...for the appellant.

Mr. Alok Kumar Biswas,
Mr. Atis Kumar Biswas

... for the KMC.

1. Leave is sought to appeal against the order of the Hon'ble Single Bench dated 26th September, 2023 passed in WPA 19506 of 2023.
2. The applicant submits that he is vitally interested in the property-in-question that was dealt with by the Trial Court.
3. No particulars of the interest of the appellant appear to have been indicated in the application for leave to appeal.
4. Counsel for the appellant submits that he has come to know of the impugned order when a notice was pasted on the wall of Premises No. 297/1/H/8, A.P.C. Road,

Ward-36, Borough-V by Executing Engineer by the KMC.

5. It appears that for violation of the order dated 26th September, 2023 the contempt proceedings are pending before the Single Bench.
6. This Court is of the view that the applicant may apply before the Single Bench for seeking modification or variation of the order dated 26.09.2023 after demonstrating his interest in the property.
7. Having regard to the fact that the appellant claims that he came to know of the proceedings before the Single Bench after the aforesaid notice dated 27.11.2025 was pasted on his premises, leave is granted to prefer the appeals. Delay is condoned.
8. Hence, CAN 1 of 2025 and CAN 2 of 2026 in both the appeals are allowed.
9. In the event the appellant applies before the Single Bench, the delay in making application shall not stand in the way of the Single Bench. Considering the appellant's application, the same may be taken up by the Single Bench before the contempt petition is taken up.
10. It is made clear that this Court has not entered into the issue of interest of the appellant in the property-in-question. The Trial Judge shall proceed to deal with the matter independently without being influenced by any observations made herein above. All questions

including locus of the appellant are left open before the parties to agitate before the Single Bench.

11. With the aforesaid observations, MAT 2133 of 2025 and MAT 2134 of 2025 are disposed of in view of the aforesaid order.
12. There will be no order as to costs.
13. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

(Md. Shabbar Rashidi, J.)