

14.01.2026
Item No.09
Ct. No.01
RP

MAT 2143 of 2025
+
IA No.CAN 1 of 2025, CAN 2 of 2025

Fatema Begum & Ors.
Vs.
The State of West Bengal & Ors.

Mr. Anirban Roy
...For Appellants
Ms. Poulami Bhowmick
Mr. Sourjya Das
...For Respondent No.5
Mr. Lalit Mohan Mahata
Mr. Ziaul Haque
...For State

PER, SUJOY PAUL,ACJ.:

1. Parties are represented through their respective learned counsels.
2. The application, being CAN 1 of 2025, seeking leave to file this appeal is taken up and for the reasons stated therein and in absence of opposition is allowed. Leave is granted to file and entertain this appeal.
3. With consent finally heard the appeal.
4. This intra-Court appeal takes exception to the order dated 14.11.2025 passed in WPA 19790 of 2025. In the said order, the learned Single Judge observed that it is not in dispute that the petitioner is in possession of the premises and was ousted. It is held that even a

trespasser cannot be evicted without following due process of law. Considering the aforesaid, the fourth respondent was directed to restore the possession of the petitioner in respect of the premises.

5. During the course of hearing the learned advocate for the parties fairly informed that in the meantime this order of the learned Single Judge dated 14.11.2025 has been implemented and possession is restored.
6. It is agreed that this intra-Court appeal may be disposed of by reserving liberty to the aggrieved parties to avail the remedy under the civil law. In that event, any observation made by the learned Single Judge in the impugned order will not be treated to be expression of view on merit and shall not be binding on the competent Court.
7. In view of aforesaid, this intra-Court appeal is disposed of by reserving liberty to the parties to avail remedy under the civil law. In that event, no observation of learned Single Judge shall be binding on the competent Court/forum. The competent Court/forum shall decide the matter on its own merit.
8. With the aforesaid and without expressing any opinion on merit, this intra-Court appeal and connected application are disposed of.
9. Urgent Photostat certified copy of this order, if applied for, be delivered to the learned

advocates for the parties, upon compliance of all formalities.

[SUJOY PAUL, ACJ.]

[PARTHA SARATHI SEN, J.]