

In the High Court At Calcutta
CIVIL APPELLATE JURISDICTION
CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE

Present:

The Hon'ble Justice Debangsu Basak

And

The Hon'ble Justice Chaitali Chatterjee (Das)

MAT/111/2025
BIDYUT BOSE
VS
THE STATE OF WEST BENGAL AND ORS
IA NO: CAN/2/2025, CAN/3/2026

For the Appellant : Mr. Kallol Basu, Advocate
Mr. Debasish Mukhopadhyay, Advocate
Mr. Amritam Mondal, Advocate
Mr. Sujit Sarkar, Advocate
Ms. Sristi Sarkar, Advocate

For the State : Mr. Subir Kumar Saha, AGP
Ms. Rima Sarkar, Advocate

For respondent : Mr. Momenur Raman, Advocate
No. 6 Mr. Bikash Singha, Advocate

Heard & Judgment on: January 13, 2026

Debangsu Basak, J.

1. CAN/3/2026 is an application for condonation of delay.
2. Department reports a delay of 6 days in making and filing the appeal.

3. For the ends of justice, the causes shown in the application for condonation of delay are accepted as sufficient. Delay in making and filing the appeal is condoned. CAN /3/2026 is allowed.
4. Appeal is taken up for final hearing.
5. Appeal is directed against order dated November 7, 2025 passed in WPA 2234 of 2025.
6. Appeal is at the behest of the writ petitioner.
7. Learned advocate appearing for the appellant submits that, there subsisted a valid licence to run a saw mill in favour of the business of the appellant. Such licence was wrongfully suspended by the authorities. Such wrong suspension was assailed by way of the writ petition. Learned Single Judge erroneously refused to grant interim relief with regard to the order of suspension.
8. Learned advocate appearing for the appellant refers to The West Bengal Forest (Establishment and Regulation of Saw-Mills and other Wood-Based Industries) Rules, 1982. He submits that, wrong provision of such Rules of 1982 was invoked. In any event, the complaint made by the private opposite party was not supplied to the appellant for the appellant to adequately respond to the complaint as against the appellant.
9. Learned advocate appearing for the appellant seeks leave to file a supplementary affidavit enclosing a copy of Order No. 2 dated June 16, 2025 filed in Title Suit No. 405 of 2025.
10. In course of hearing of the appeal, we perused the Order No. 2 dated June 16, 2025 passed in Title Suit No. 405 of 2025 with the consent of the learned advocate appearing for the respondents.
11. In such circumstances, since, the supplementary affidavit is limited to the filing of such order and since we perused the same, such leave is not granted.

12. Learned advocate appearing for the appellant submits that, there subsists an order of *status quo* passed in a civil suit filed at the behest of the husband of the private opposite party. He submits that, the right to carry on business guaranteed under the Constitution stands affected by reason of the order of suspension impugned in the writ petition. He contends that, the appellant should be permitted to carry on business of the saw mill.
13. The respondents are represented.
14. We gave our anxious consideration to the plea of the appellant that, the business of the appellant will stand affected by reason of the refusal to grant interim order by the learned Single Judge.
15. The impugned order, as noted above, issued direction for filing of affidavits. The writ petition is still pending. Learned trial Judge refused to grant interim order to the extent of staying the operation of the order of suspension.
16. We find from the records that, a partnership business was afforded a licence to run a saw mill under the provisions of the Rules of 1982. The authority which granted such licence, issued a notice of hearing to the appellant. Appellant participated in such hearing. A number of correspondences were exchanged between the appellant and the authorities. Authorities subsequently, passed an order dated February 5, 2025. This order of suspension of sentence was assailed by way of the writ petition, in which, the interim order was refused.
17. Subsequent to the order dated February 5, 2025 passed by the authorities, in a civil suit being Title Suit No. 405 of 2025 between the private parties, an order dated June 16, 2025 was passed. The appellant as well as the private respondent are parties to such suit.

In such suit, the parties were directed to maintain *status quo* with respect to the nature and character of the suit.

18. The land, at which the saw mill is situated apparently, belongs to the husband of the private opposite party. That is the prima facie finding of the learned civil Court.
19. Writ Court need not enter into the title dispute with regard to the immovable property.
20. The parties to Title Suit No. 405 of 2025 are bound by the civil Court's order.
21. Learned trial Judge, refused to pass an interim order of staying the operation of the order of suspension dated February 5, 2025. The writ petition is yet to be finally decided.
22. In the facts of the present case, therefore, we do not find the necessity to grant an interim relief in favour of the appellant as the writ petitioner in the pending writ petition, particularly in view of the subsequent order passed by the Civil Court.
23. Learned advocate appearing for the private party submits that, in the writ petition, they will file an affidavit of opposition within a week from date.
24. In such circumstances, time to file affidavit-in-opposition by the respondent in the writ petition is extended for a period of one week from date, reply, if any, a week thereafter.
25. Parties are at liberty to mention the writ petition for early hearing before the learned Single Judge.
26. **MAT/111/2025** along with **CAN/2/2025** are dismissed without any order as to costs.

[Debangsu Basak, J.]

27. I agree.

[Chaitali Chatterjee (Das), J.]