

**(2011) 04 CAL CK 0083**

**Calcutta High Court**

**Case No:** M.A.T. No. 531 of 2011 with C.A.N. No. 3962 of 2011

Manoj Kumar Banerjee

APPELLANT

Vs

State of W. B.

RESPONDENT

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**Date of Decision:** April 18, 2011

**Citation:** (2011) 3 CHN 706

**Hon'ble Judges:** Pranab Kumar Chattopadhyay, J; Mrinal Kanti Sinha, J

**Bench:** Division Bench

**Advocate:** Tapas Kr. Bhattacharyya and Krishna Keshab Paul, for the Appellant; Saptangshu Basu, Anjan Bhattacharyya for the respondent No. 1, Dilip Kr. Dasgupta for the State, Manjuli Chowdhuri for the respondent No. 4 and Suvadeep Sen for the respondent No. 3, for the Respondent

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### **Judgement**

Pranab Kumar Chattopadhyay and Mrinal Kanti Sinha, JJ.

Re: CAN. No. 3962 of 2011

1. This application has been filed in connection with the appeal preferred from the order dated 31st March, 2011 whereby a learned Judge of this Court finally disposed of the writ petition on merits.
2. The learned Advocate representing the appellant submits that the said appellant is aggrieved by the order dated January 14, 2011 passed by the Prodhan, Andul Gram Panchayat, the respondent No. 3 herein.
3. The aforesaid order, however, has not yet been challenged by the appellant herein. The learned Single Judge while disposing of the writ petition also specifically recorded that none of the parties herein challenged the aforesaid order dated 14th January, 2011 passed by the respondent No.3.
4. Since the appellant herein did not challenge the validity and/or legality of the aforesaid order dated 14th January, 2011 passed by the respondent No.3 herein, we find no reason to stay the operation of the said order.

5. For the aforementioned reasons, we are not inclined to interfere with the impugned order under appeal passed by the learned Single Judge and dismissed this application.
6. In view of the aforesaid order, no purpose will be served in keeping the appeal pending. Therefore, the appeal is also treated as on day's list and dismissed accordingly.
7. However, we make it clear that the dismissal of the appeal as well as the connected stay application will not prevent the appellant herein from challenging the aforesaid order dated 14th January, 2011 passed by the respondent No.3 before the appropriate forum in accordance with law.
8. Needless to mention that if the aforesaid order dated 14th January, 2011 passed by the respondent No.3 is ultimately challenged before the appropriate forum by the appellant herein, then the competent forum will decide the validity and/or legality of the same strictly in accordance with law upon granting adequate opportunity of hearing to the respective parties.
9. In the facts of the present case, there will be, however, no order as to costs.
10. Xerox plain copy of this order countersigned by the Assistant Registrar (Court) be given to the appearing parties on usual undertaking.