



Ct. No.1
Item Nos.D/L.16
Saikat
Mukherjee

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

**MAT/1750/2026
With
CAN/1/2026**

DIPPAMAN SAMANTA

]... Appellant

Versus

MADAN MOHAN KRISHTI PARISHAD AND OTHER

]... Respondents

Appearance:

Mr. Utpal Bose, Sr. Adv. with Mr. Krishnaraj Thaker, Sr. Adv., Ms. Suchishmita Ghosh and Ms. Aradhita Banerjee, Advocates for the Appellant

Mr. Indranil Roy, Sr. Adv. with Mr. Imtiaz Ahmad and Ms. Tapati Sarkar, Advocates for Respondent nos. 1 & 2

Mr. Billwadal Bhattacharyya, A.A.G. with Mr. Sourav Sengupta and Mr. Arghya Chatterjee, Advocates for the Respondent-State

Mr. Sunit Roy with Ms. Susmita Mondal, Advocates for Respondent nos. 7 & 8

**CORAM : RAVINDRA V. GHUGE, CJ.
&
OM NARAYAN RAI, J.**

DATE : 6th October, 2026.

ORDER (Per Court)

1. We heard the Learned Senior Advocates for the respective sides, for quite some time.

2. An interim order dated 18.12.2019, had been passed in T.S. 531 of 2018 by the trial Court.

3. The Learned Senior Advocate for the Original Petitioner submits on instructions that the order of the Learned Single Judge may be set aside, since the Original Petitioner desires to approach the said Civil Court, where the two suits between the parties (meaning the Appellant before us and the Respondent in this Appeal), are sub-judice and seek permission of the Trial Court for holding a Durga Puja Celebration.

4. As such, the impugned order of the Learned Single Judge is deemed to be set aside in view of the above statement and the same would lose its efficacy.

5. **This Appeal is, therefore, disposed off. Pending Civil Application would not survive and stands disposed off.**

6. If the Original Petitioner/Private Defendant before the Trial Court in T.S. 531 of 2018, move an Application for seeking permission to erect a pandal and perform Durga Puja in the premises which are being operated as a club, we would request the Trial Court to ensure that if the Application is filed by 8th October, 2026, the parties to the said proceeding, including the Plaintiff, would appear before the Trial Court on Monday (12.10.2026) and canvass their oral submissions on the said Application. Written Notes of Submissions are also permitted. We would expect the Learned Trial Court to pass an order on or before 14th October, 2026. All contentions of all the parties are kept open.

7. We appreciate the statement made by the Learned Senior Advocate Shri Bose, appearing for the Appellant before us that a Lawyer representing his client would receive the copy of the Application being filed by the Original Applicant, on 8th October, 2026, before the Trial Court and would ensure that a Reply to the said Application is transmitted to the Learned Advocate for the said Applicant, by e-mail, latest by 10th October, 2026, evening.

8. Needless to state, the Trial Court would consider the printout of the server copy of this order, obtained from the Official Website of the Calcutta High Court.

(Om Narayan Rai, J.)

(Ravindra V. Ghuge)
Chief Justice