

25.08.2020
S/L No.16
Court No.11
(gc)

MAT 466 of 2020
With
CAN 3660 of 2020
With
CAN 3661 of 2020

Subrata Basu
Vs.
The State of West Bengal & Ors.

(Via Video Conference)

Mr. Dipankar Pal,
Mr. Tirthankar Mukherjee,
Ms. Madhurima Sarkar

...for the Appellant.

The appellant undertakes to affirm and stamp the petition/application as per Rules within one month of resumption of normal functioning of the Court. Subject to such undertaking, the application is taken up for hearing through video conference.

Without demonstrating that the path way which is alleged to have been blocked by M/s. Raydak Syndicate Ltd. is a public path way and in absence of any document showing it a public path way appears to be shown from any document, we do not feel it necessary to direct the Pradhan to exercise any power under the relevant statute.

On the basis of the facts pleaded in the writ petition, we feel that the learned Single Judge was justified in not entertaining the said writ application. The writ application accordingly stands dismissed. However, this order shall not prevent the petitioner to take appropriate steps in accordance with law. If so advised and if such proceedings as on date are barred by the laws of limitation, the petitioner would be entitled to the benefit of Section 14(2) of the Limitation Act, in the event, such proceedings are initiated within a period of three months from date.

The appeal being MAT 466 of 2020 along with applications being CAN 3660 of 2020 and CAN 3661 of 2020 are disposed of.

Urgent Photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Soumen Sen, J.)

(Saugata Bhattacharyya, J.)