

23 & 24
18.03.2021
GD/KC

C.P.A.N. 243 of 2021
in
WPA 6226 of 2020
CAN 1 of 2020 (Old: CAN 4595 of 2020)
CAN 2 of 2021
CAN 3 of 2021

Gurupada Roy
Vs.
Mr. Raja Mandal & Anr.

Mr. Anil Kumar Chattopadhyay.
... for the petitioner.

Mr. Suman Sengupta
Mr. Sanatan Panja.
... for the alleged contemnors.

Mr. K.C. Das
Sk. Sahjahan Ali.
... for the applicant in CAN 2 of 2021 and
CAN 3 of 2021.

CAN 3 of 2021 is taken up for consideration.

It is an application for condonation of delay made
at the behest of the private respondents in a writ petition
seeking recall of the order dated August 18, 2020 passed in
the writ petition.

Learned advocate appearing in support of the
private respondents submits that the writ petitioner
suppressed material facts before the court and obtained an
order dated August 18, 2020. He submits that the writ

petitioner along with his wife filed a previous writ petition being WP 5650(W) of 2020. The factum of which was suppressed in the second writ petition in which the order was passed. He submits that in the earlier writ petition, the writ petitioner admitted that the shop room was on the property belonging to the Public Works Department (PWD).

The writ petitioner and the State are represented.

The writ petitioner filed a contempt petition complaining of violation of the order dated August 18, 2020

In the facts of the present case, it appears that the writ petitioner is guilty of suppression of material fact. There is a pending writ petition being WP 5650(W) of 2020. In paragraphs 8, 10 and 13, amongst others in the pending writ petition being WP 5650(W) of 2020, the writ petitioner claims that the writ petitioner is in possession of land belonging to the Public Works Department.

The pendency of the earlier writ petition was suppressed in the second writ petition in which the order dated August 18, 2020 was passed.

Simply on that ground alone that the petitioner is guilty of suppression the order dated August 18, 2020 is

recalled. Consequently, CAN 3 of 2021 and CAN 2 of 2021 filed by the private respondents are allowed.

In view of the recall of the order dated August 18, 2020, CPAN 243 of 2021 is dismissed.

(Debangsu Basak, J.)