

D/L
Item No. 17
13.12.2021
KOLE

**MAT 1286 of 2021
With
IA No. CAN 1 of 2021
With
IA No. CAN 2 of 2021**

**Dipam Mozumder
-Vs.-
The State of West Bengal & Ors.**

*Mr. Anjan Bhattacharya,
Mr. R. K. Acharya,
Mr. B. B. Maity,*

...for the appellant.

*Mr. Anirban Ray, Ld. G. P.,
Mr. R. Saha,
Mr. B. B. Mallick*

...for the State.

In Re: CAN 1 of 2021

This is an application of condonation of delay of 83 days in filing the appeal. Causes shown being sufficient, the delay is condoned.

CAN No. 1 of 2021 is accordingly disposed of.

In Re MAT 1286 of 2021 and CAN 2 of 2021

By consent of the parties the appeal and the application are taken up for hearing together.

This is an appeal against an order dated August 9, 2021 passed in WPA 12011 of 2021 whereby, the learned Judge refused to pass any interim order and only called for affidavits.

We have heard learned Counsel for the parties. We are told that a representation made by the appellant,

pursuant to this Court's earlier order dated 29th June, 2021 passed in WPA 7677 of 2020, is pending before the Secretary, Department of Women and Child Development Social Welfare, Government of West Bengal. We direct such representation to be disposed of within three weeks from the date of communication of this order after giving an opportunity of hearing to the appellant.

We are not inclined to interfere with the order challenged in this appeal. The parties should file their affidavits before the Learned Single Judge. The respondents shall be at liberty to file their affidavit-in-opposition within one week after the Christmas vacation. The writ petitioner may file his reply within a week thereafter.

The parties may mention the matter before the learned Judge once the affidavits are complete.

The appeal, being no. MAT 1286 of 2021 and the stay application, being no. CAN 2 of 2021 are accordingly disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Arijit Banerjee, J.)

(Kausik Chanda, J.)