

19-05-2021
ct no. 13
Sl.13
sp

WPA 2302 of 2020
With
CAN 1 of 2022
With
CAN 2 of 2022
Ajit Kumar Samanta
-Versus-

The State of West Bengal & Ors.

Mr. Sarthak Burman

...for the petitioners

Ms. Sipra Majumdar,
Ms. Susmita Biswas

.... for the State

CAN 2 of 2022

1. CAN 2 of 2022 has been filed seeking condonation of delay in filing CAN 1 of 2022.
2. Sufficient grounds have been made out in the instant application explaining such delay. Hence, the delay is condoned.
3. Accordingly, CAN 2 of 2022 is allowed and disposed of.

CAN 1 of 2022

4. Sufficient grounds have been made out explaining the absence of the petitioner's counsel on September 29, 2022. The order dated September 29, 2022 is recalled. Hence, the writ petition is restored to its original file and number.

5. Accordingly, CAN 1 of 2022 is allowed and disposed of.

WPA 2302 of 2020

6. The petitioner seeks protection from the Amherst Street Police Station for disturbance being caused by the private respondent.
7. The petitioner also relies upon an order passed by the Executive Magistrate under Section 144 of the Cr. P.C.
8. The police have filed instructions and have found no serious cognizable offence having been committed by the private respondent.
9. The petitioner has effective alternative remedy under Section 156(3) of the Cr. P.C. He may avail the same in accordance with law.
10. There are other civil remedies that the petitioner can obtain against the private respondent in respect of the said property.
11. Reserving rights to the petitioner as indicated hereinabove, the instant writ petition shall stand disposed of.
12. There shall be no order as to costs.

13. The Amherst Police Station shall, however, ensure that there is absolutely no breach of peace in the area.
14. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)