

19.05.2023
Court No.13
Item No.24
AP

**WPA 3848 of 2022
With
CAN 1 of 2022
With
CAN 2 of 2022**

**Sunil Kumar Mandal @ Sunil Mandal
Vs.
The State of West Bengal and Ors.**

Mr. Manojit Bhattacharya
Mr. Sankar Narayan Saha

... For the petitioner.

Ms. Joyeeta Sinha
Mr. Sandip Mandal

... For the State.

CAN 2 of 2022

1. The application being CAN 2 of 2022 has been filed seeking condonation of delay.
2. For the reasons stated in the application, the same is allowed. Delay in filing of the application is condoned.
3. Accordingly, CAN 2 of 2022 is allowed.

CAN 1 of 2022

4. Sufficient grounds are available to explain the absence of the writ petitioner on 13th July, 2022.
5. The order dated 13th July, 2022 is recalled.
6. The writ petition is hence restored to its original file and number.
7. Accordingly, CAN 1 of 2022 is allowed.

WPA 3848 of 2022

8. The petitioner complains of alleged inaction of the police in enforcing an order of injunction dated 21st January, 2021 passed by the learned Civil Judge (Junior Division), 1st Additional Court, Contai in T.S. No.24 of 2021.

9. It is submitted that pursuant to an earlier order dated 1st December, 2021 passed in WPA 5104 of 2021 (Sunil Kumar Mandal @ Sunil Mandal Vs. The State of West Bengal and Ors.) by this Court, demarcation of the petitioner's property has been effected in the presence of the police. The private respondents continue to violate the order of injunction of the Civil Court. It is submitted that the private respondents have broken down the structures laying in the property.

10. The report of the surveyor shall be filed in the Court below by the BL&LRO.

11. The petitioner shall apply in the Court below for appropriate orders inter alia under Order 39 Rule 2A of the CPC.

12. The Civil Court shall pass appropriate orders and attempt to dispose of the suit as expeditiously as possible.

13. Contai PS shall strictly enforce the order of injunction passed by the Civil Court.

14. The petitioner shall communicate this order to the Contai Police Station, the Court below as also the private respondents.

15. The petitioner shall produce evidence before the Contai Police Station regarding the continued existence of an interim order passed by the Civil Court.

16. In the event the petitioner prays for appropriate police protection, the same shall be provided to him by the Contai Police Station at his costs, subject to any order that may be passed by the Civil Court.

17. Since the subject matter of this writ petition is similar and/or the same as that of WPA 10203 of 2023 (Sunil Kumar Mandal @ Sunil Mandal Vs. The State of West Bengal and Ors.), which is listed as Item No.256 in today's list, WPA 10203 of 2023 is disposed of along with this writ petition being WPA 3848 of 2022.

18. There shall be no order as to costs.

19. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)