

14 25.01.2023

gd/ssd

MAT/1284/2022
IA NO: CAN/1/2022, CAN/2/2022
SRI BAIJANATH SINGH
VS
THE STATE OF WEST BENGAL AND ORS.

Mr. Avirup Mondal,
Ms. Ahana Ghosh Mondal
..for the Appellant.

Mr. Santanu Kumar Mitra,
Mr. Kapil Guha
..for the State.

Mr. Soumava Mukherjee
..for the Respondent Nos.5 and 6.

CAN 1 of 2022 has been filed by the appellant seeking condonation of delay of 20 days in filing this appeal.

Considering the explanation which has been furnished in the application and also taking note of the stand of the learned counsel for the respondents that they are not opposing the application for condonation of delay, we are of the view that the delay in filing this appeal has been sufficiently explained and the appellants were prevented from filing the appeal within time on account of bona fide reason. Hence, CAN 1 of 2022 is, accordingly, allowed. The delay in filing the appeal is condoned.

The appeal is heard with consent.

By this intra court appeal the writ petitioner has

challenged the order of the learned Single Judge dated 10th June, 2022 disposing of WPA 4909 of 2022 taking note of the pendency of civil suit and the ad interim injunction order passed therein.

The appellant had filed the writ petition with the limited grievance that certain dispute had arisen with the private respondents, therefore, a complaint was lodged with the police on 22nd February, 2022, on the basis of which, no FIR was registered. Hence, in the writ petition a direction was sought to the Officer-in-Charge of the concerned Police Station to register the FIR on the basis of the complaint.

Learned Single Judge has noted that in respect of the grievance relating to dealership of Hindustan Petroleum the appellant has remedy to approach the concerned authority. Learned Single Judge has also noted that the appellant is protected by the ad interim injunction order passed in the civil suit which relates to business of petrol pump, hence, has disposed of the petition by observing that the police authorities are duty bound to ensure that the parties maintain peace and tranquility and further ensure that no untoward incident takes place.

Limited submission of learned counsel for the appellant at this stage is that learned Single Judge is not right in mentioning the fact that the interim

injunction order relates to the business of the petrol pump. He has prayed for deleting the said observation of the learned Single Judge.

Learned counsel for the respondents have not disputed the above submission and they have no objection if the following sentence from the order of the learned Single Judge is deleted:

“The petitioner has also been protected by an order of ad-interim injunction passed in a civil suit which relates to the business of the petrol pump.”

Having regard to the submissions of the learned counsel for the parties, we dispose of this appeal by deleting the above quoted observations of the learned Single Judge.

The appeal is accordingly disposed of.

(Prakash Shrivastava, C.J.)

(Rajarshi Bharadwaj, J.)

