

19-05-2021
ct no. 13
Sl.16
sp

WPA 9591 of 2020
With
CAN 1 of 2023
With
CAN 2 of 2023
Sri Akshay Kumar Das
-Versus-

The State of West Bengal & Ors.

Mr. Debabrata Ray,
Mr. S. Burman,
Ms. Sarbani Mukhopadhyay
...for the petitioner

Mr. Ashim Kr. Ganguly,
Mr. Bellal Shaikh
...for the State

Mr. Tarak Nath Sarkar
..for the respondent nos. 6 to 11

CAN 2 of 2023

1. CAN 2 of 2023 has been filed seeking condonation of delay in filing CAN 1 of 2023.
2. Sufficient grounds have been made out in the instant application explaining such delay. Hence, the delay is condoned.
3. Accordingly, CAN 2 of 2023 is allowed and disposed of.

CAN 1 of 2023

4. Sufficient grounds have been made out explaining the absence of the petitioner's counsel on November 4, 2022. The order

dated November 4, 2022 is recalled. Hence, the writ petition is restored to its original file and number.

5. Accordingly, CAN 1 of 2023 is allowed and disposed of.

WPA 9591 of 2020

6. The petitioner is aggrieved that the private respondents are obstructing him from entering into his property.
7. The private respondents submit that the land does not belong to the petitioner. It has been acquired from the Government and a Primary Health Centre and post office thereat.
8. The Daspur police have filed a report dated 19.05.2023, which is taken on record.
9. The Daspur police have submitted that the land originally belonged to one Kishori Mohan Santra and Sridhori Mohan Santra.
10. The petitioner claims to have purchased 2 decimals of land from the legal heirs of those two persons. There is presently a Post Office and a Health Centre functioning therefrom.
11. The villagers are interested in the Health Centre and the Post Office functioning.

12. Counsel for the petitioner submits that the Health Centre and the Post Office are no longer functioning in that place.
13. On the petitioner's complaint, the Daspur Police Station has registered an FIR being Daspur PS Case No. 97 of 2021 dated 23.02.2021 has been registered. Investigation has been completed and charge sheet being Daspur PS Charge Sheet No. 338 of 2021 dated 21.07.2021 has been filed.
14. The petitioner may take out appropriate civil proceedings in accordance with law.
15. With the aforesaid observations, the instant writ petition shall stand disposed of.
16. There shall be no order as to costs.
17. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)