

18.09.2024
Item No.31
gd/ssd

MAT/1698/2024
DR. SWAPAN KUMAR GANGULY
VS
STATE OF WEST BENGAL AND ORS.
IA NO: CAN/1/2024, CAN/2/2024

Mr. Debabrata Saha Roy,
Ms. Mousumi Bhowal,
Mr. Subhankar Das,
Mr. Somnath Ganguly
..for the Appellant.

Ms. Manika Roy,
Ms. Shinjita Ray,
Ms. Ankita Chowdhury
..for the Respondent Nos.7 and 8.

Mr. Kallol Kumar Basu,
Md. Jannat ul Firdous
..for the Respondent Nos.9, 10 and 13.

1. This intra court appeal is directed against the order dated 6th May, 2024 in WPA 1288 of 2024. The appeal is barred of time and there is a delay of 120 days in filing the appeal.

2. Though the learned advocates for the respondents vehemently oppose the delay, considering the dispute brought before us, we exercise the discretion and condone the delay in filing the appeal.

3. Therefore, the application for condonation of delay is allowed.

4. The appellant had approach the writ court alleging that he is being a 78 year old doctor who is

staying at Lake Town and is not able to enter his property at Taki.

5. The learned writ court has considered the submissions made on either side as also taken note of the report filed by the police and has noted that there is a civil litigation pending and also noted the relationship between the parties, namely, they being the brothers and issued certain direction which, in our view, does not call for any interference.

6. If, according to the appellant, he has been thrown out of the property, it is well open to the appellant to seek for appropriate orders in the pending civil litigation.

7. Accordingly, the appeal stands dismissed.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)