

28.02.2024
6
PG/KS
Ct. No.1

M.A.T. 1991 of 2023
With
I.A. No.CAN 1 of 2023
With
With
I.A. No.CAN 2 of 2023

Amir Hamja & Anr.
Versus
Fency Khatun Bibi & Ors.

Mr. Saikat Chatterjii.....for the appellants

Mr. Sk. Md.Galib, Sr. Govt. Adv.
Ms. Tanwishree Mukherjeefor the State

Mr. Srikanta Dutta.....for the respondent/writ petitioner

In Re: I.A. No. CAN 1 of 2023

1. We have heard Mr. Saikat Chatterjii, learned advocate appearing for the appellants, Mr. Sk. Md. Galib, learned senior Government counsel appearing for the State and Mr. Srikanta Dutta, learned advocate for the respondent/writ petitioner.
2. There is delay of 69 days in filing the appeal. We have perused the affidavit filed in support of the petition and we find that sufficient cause has been shown for not being able to prefer the appeal within the period of limitation.
3. I.A. No. CAN 1 of 2023 is allowed and the delay in filing the appeal is condoned.

In Re.: M.A.T. 1991 of 2023

4. This intra-Court appeal filed by the respondents 9 and 10 in W.P.A. 12424 of 2023 is directed against the order dated 27th June, 2023. The writ petitioner filed the said writ petition alleging police inaction despite an order of *status quo* granted by the civil court.
5. The learned writ court had only directed police picket comprising of two Constables in the suit land and ensure that the private respondents viz. the appellants do not in any way disturb the writ petitioner or the cultivation of the land and the police picket was only for a period of two weeks from the date of the order, which is dated 27th June, 2023.
6. The learned Government counsel also submitted that the police picket has been withdrawn after the period of two weeks.
7. In an event, the matter being of civil nature, the observations made in the order dated 27th June, 2023 will, in no way, prejudice the appellants in the civil proceedings and they are entitled to raise all issues before the said civil court.
8. With the aforesaid observations, the appeal and I.A. No. CAN 2 of 2023 stand disposed of.
9. No costs.

10. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(T.S SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)