

28.02.2024
Item No.7
PG/KS
Ct. No.1

M.A.T. 2066 of 2023
With
IA No. CAN 1 of 2023
+
CAN 2 of 2023

Sri Tarun Kumar Das & Ors.
Versus
Gopa Rani Pal & Ors.

Mr. R. I. Sardar
....for the respondent no.1/writ petitioner

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

1. None appears for the appellants.
2. There is a delay of 92 days in filing the appeal. We have perused the affidavit filed in support of the application for condonation of delay in preferring the appeal and find sufficient cause has been shown by the appellants in not preferring the appeal within the period of limitation. Hence, the delay in filing the instant appeal is condoned. The application being, I.A. No. CAN 1 of 2023 is allowed.

In Re.:M.A.T. 2066 of 2023

3. This is an appeal filed by the private respondents against the order passed in W.P.A. 6049 of 2023 dated 12th June, 2023. By the said order, the police

was directed to post police picket for a period of one month at the cost of the writ petitioner and the police was directed to ensure that the writ petitioner's possession is not disturbed.

4. The appeal has been filed stating that copy of the writ petition was not served on the appellants, who were impleaded as party respondents in the writ petition. This contention is refuted by the learned advocate for the respondent no.1/writ petitioner stating that they have been served an affidavit of service was filed and even before the filing of the writ petition, six First Information Reports have been registered against the appellants.
5. If according to the writ petitioner/respondent no.1, notice has not been served upon the appellants, the appellants have to seek for review of the order. That apart, the learned advocate for the respondent no.1/writ petitioner submitted that an order has been passed in C.P.A.N. 1693 of 2023 dated 23rd February, 2024.
6. In the light of the same, the appeal along with the connected application (CAN 2 of 2023) stand disposed of giving liberty to the appellants to file a review application before the learned Single Bench, if so advised.
7. No costs.

8. 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.)