

**IN THE HIGH COURT OF JUDICATURE AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE**

HEARD ON: 29.04.2024

DELIVERED ON: 29.04.2024

**CORAM:
THE HON'BLE MR. CHIEF JUSTICE T.S. SIVAGNANAM
AND
THE HON'BLE MR. JUSTICE HIRANMAY BHATTACHARYYA**

**M.A.T. 2429 of 2023
With
I.A. No. CAN 1 of 2023
With
I.A. No. CAN 2 of 2023**

**Sri Srikumar Sinha Roy
Vs.
State of West Bengal & Ors.**

Appearance:-

**Mr. Shyamal Chakraborty
Mr. Debajyoti Mondal**

.....for the appellant

JUDGMENT

(Judgment of the Court was delivered by T.S. SIVAGNANAM, C.J.)

1. This intra-Court appeal has been filed by the writ petitioner challenging the order passed by the learned Single Bench dated 16th June, 2022 in W.P.A. 4605 of 2022. The respondents/State has been served and affidavit of service has been filed. The private respondents have refused service, which was the case before the learned Single Bench as well. Therefore, the matter is taken up.

2. However, we find that there is delay in filing the appeal and the appellant prays for condonation of delay of 415 days in filing the appeal.
3. There is delay of 415 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.
4. I.A. No. CAN 1 of 2023 is allowed and the delay in filing the appeal is condoned.
5. We have heard the learned advocate appearing for the appellant. The learned Single Bench after taking note of the facts of the case, in our view, has rightly observed that if the appellant approaches the police authorities alleging commission of any cognizable offence with regard to enjoyment of the land in question, the police authorities shall act and proceed in accordance with law.
6. If, according to the appellant, a cognizable offence has been committed by the private respondents disturbing the rights, which are said to have crystallised in favour of the appellant in Title Suit No. 47 of 2003 before the Civil Judge (Senior Division), Kalna, it will be well open to the appellant to approach the police authorities and it is upon the police authorities to consider as to whether a cognizable offence has been committed and proceed in accordance with law.
7. In case the appellant complains that there has been violation of a decree for permanent injunction, it will be well open to the appellant to approach the executing court for appropriate reliefs.
8. With the above observations, the appeal and the connected application (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

I agree.

(HIRANMAY BHATTACHARYYA, J.)