

04.07.2025
Court No. 35
Item No.39
Rakib

W.P.A. 53 of 2021
With
CAN 1 of 2023
With
CAN 2 of 2025

Naushad Ali @ Naushad Ali Mondal.

VS

The State of West Bengal & Ors.

Mr. Partha Pratim Roy,

Mr. Samrat Chakraborty.

...for the Petitioner.

Mr. Subhendu Sengupta.

...for the State.

In Re: CAN 2 of 2025

Petitioner has prayed for condonation of delay preferring the application for restoration/recalling the order dated 11.11.2022 passed in WPA 53 of 2021.

Record reflects that since none appeared on behalf of all the parties and no accommodation was sought for, a Coordinate Bench was pleased to record the writ petition to be “Dismissed for Default”.

In view of the reasons so assigned for the delay, I am of the opinion that the same are just and cogent, as such the prayer for condonation of delay to address on the issue relating to the restoration and/or recalling the application is allowed.

Consequently, CAN 2 of 2023 is allowed.

In Re: CAN 2 of 2025

I have considered the ground assigned in the application for restoration and/or recalling and I find the reasons so assigned to be just and cogent.

Accordingly, the order dated 11.11.2022 passed by the Coordinate Bench be recalled and the writ petition be restored to its original file and number.

Consequently, CAN 1 of 2023 is allowed.

In Re: WPA 53 of 2021

I have considered the issues canvassed in the writ petition, particularly the information which was furnished to the Officer-in-Charge, Duttapukur Police Station and the Superintendent of Police which was dated 21.12.2020.

State has submitted two reports. The first report refers to incidents which were existing till 10.01.2021. The police report reflects that the foundational facts relating to violation of the Civil Court's order, particularly with regard to T.S. No. 609/2014 are not in consonance with the ground reality.

A subsequent report has been filed by the learned advocate for the State dated 28.06.2025 and according to the report the police authorities conducted physical enquiry of the land in question and found the same to be vacant and in abandoned condition.

Be that as it may, the Civil Court is already in seisin of T.S. No. 609/2014, the information which was furnished to the police authorities is of December, 2020. Having considered that more than four and half years have passed since such information was furnished and the present report of the police authorities also do not reflect that there has been any violation, I grant liberty to the petitioner that in case any inconveniences have been faced by the petitioner he would file a fresh representation which the police authorities will consider in accordance with law.

With the aforesaid observations WPA 53 of 2021 is disposed of.

Reports so submitted by the State be kept with the record.

Copies of the reports be handed over to the learned advocate appearing for the petitioner.

All concerned parties shall act on the server copy of this order duly downloaded from the official *website* of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)