

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

HEARD ON: 16.04.2025

DELIVERED ON: 16.04.2025

CORAM:

**THE HON'BLE CHIEF JUSTICE T.S. SIVAGNANAM
AND**

THE HON'BLE JUSTICE CHAITALI CHATTERJEE (DAS)

M.A.T. 263 of 2025

With

I.A. No. CAN 1 of 2025

With

I.A. No. CAN 2 of 2025

Manik Pal @ Manik Lal Pal

Vs.

The State of West Bengal & Ors.

Appearance:-

Mr. Sanjay Ghoshfor the Appellant

Mr. Nilotpal Chatterjee,

Ms. Amrita Panja Moulick.....for the State

Ms. Pampa Dey (Dhabal)

Mr. Biswarup Chatterjee

Ms. Sangita Banerjeefor the Writ Petitioner/Respondent.

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

In re : CAN 1 of 2025

1. There is a delay of 639 days in filing the appeal and an affidavit in opposition has been filed by the respondent/writ petitioner opposing the prayer for condonation of delay.
2. We have perused the application and we find the explanation to be not satisfactory so as to exercise any discretion in condonation of delay of 639 days, which is inordinate.

3. Since the learned advocate appearing for the respondent/writ petitioner made certain submissions on merits, we have perused the impugned order in this appeal. The order and direction issued by the learned Single Bench is to construct a boundary wall and the police were directed to give a police picket for 15 days.
4. The learned advocate appearing for the respondent/writ petitioner submitted that the Superintendent of Police, Purba Bardhaman on May 22, 2023 has cancelled the police picket permission and an order to the said effect has been passed.
5. Thus, nothing would survive further for adjudication in this appeal since the police have already taken a decision by cancelling the order of police picket.
6. Therefore, we dispose of this appeal along with the application for condonation of delay as well as stay application with an observation that the parties namely the appellant and the respondent/writ petitioner shall agitate their rights in the pending civil proceedings.
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

I agree.

(CHAITALI CHATTERJEE (DAS), J.)