

16.05.2025
Court No. 35
Item No.14
Rakib

W.P.A. 14132 of 2021

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CAN 1 of 2023

+

CAN 2 of 2024

Arabinda Naskar.

VS

The State of West Bengal & Ors.

Mr. Sk Abdus Salam,

Mr. Subrata Mukherjee,

Mr. Vaskar Pal.

... for the petitioner.

Mr. Soumen Bhattacharjee,

Mr. Anakn Das,

Ms. Shradhya Ghosh.

...for the private respondents.

Mr. Md. Galib,

Mr. Subhra Nag.

...for State.

In Re: CAN 2 of 2024

Petitioner has preferred an application for
condonation of delay of 294 days.

The reasons so assigned in the said application
are found to be just and sufficient.

Accordingly, CAN 2 of 2024 is allowed.

In Re: CAN 1 of 2023

Petitioner has applied for restoration application
as because of no fault of the petitioner and absence of the
learned advocate the writ petition was dismissed for
default.

Having regard to the fact that a litigant cannot
suffer because of the fault of the lawyer, I am of the view

that the restoration application being CAN 1 of 2023 be allowed.

In Re: WPA 14132 of 2021

The writ petition was preferred as grievance of the petitioner is that the petitioner submitted a representation to Kultali Police Station as the private respondents were interfering and disturbing with his possession and also hindering him from rearing the fish in the water body. Such representation was sent on or about 05.03.2021 to the concerned police authorities. In the meantime more than four years have passed.

Learned advocate for the State as well as the private respondents are present.

Having considered the period of time which has lapsed in the meantime, I am of the view that if the petitioner faces the same inconveniences he would file a fresh representation to the Inspector-in-Charge/Officer-in-Charge of Kultali Police Station who would assess the ground reality and take steps in accordance with law.

With the aforesaid observations WPA 14132 of 2021 is disposed of.

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.)