

D/L 6
29.08.2025
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ct.no.35

**W.P.A.21429 of 2021
With
CAN 1 of 2024
With
CAN 2 of 2025**

**Naru Dule @ Narugopal Dule
Versus
The State of West Bengal & Ors.**

Mr. Kashiswar Ghosal.
...for the petitioner.

Ms. Manika Pandit.
...for the State-respondents.

Petitioner has preferred an application being CAN 2 of 2025 under Section 5 of the Limitation Act as there has been a delay of 432 days in preferring the restoration application being CAN 1 of 2024 in connection with the writ petition which was dismissed for default on 18.11.2022.

Having considered the reasons so assigned, I am of the view that the same are just and sufficient as for fault of the lawyer a litigant should not suffer.

Accordingly, CAN 2 of 2025 and CAN 1 of 2024 are allowed.

The writ petition is restored to its original file and number.

Petitioner has approached this Court being aggrieved by the fact that he was forcibly ousted from the office of the Revenue Officer and when he approached Binpur Police Station, he was threatened by the Officer-in-Charge, Binpur Police Station. To that effect, information was furnished to the Superintendent of Police, Jhargram.

I find from the records of the case that such a representation was made on 10.12.2021. More than 3½ years have passed. Police authorities have, however, sent the recent report dated 18.07.2025 which encloses a declaration by the present petitioner that he or any of his family members have never been to the police station to complain and he has never been threatened.

Be that as it may, in case the petitioner is faced with similar inconvenience, he would inform the Superintendent of Police of the concerned district and thereafter if no steps are taken, he would be at liberty to file an application under Section 175(3) of the BNSS before the jurisdictional court. Learned Magistrate would assess and ascertain regarding the correctness of the allegations and thereafter pass necessary directions as he deems fit and proper.

With the aforesaid observations, WPA 21429 of 2021 is disposed of.

There will be no order as to costs.

Report so submitted be kept with the record.

A copy of the report be handed over to the learned advocate appearing for the petitioner.

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

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

(Tirthankar Ghosh, J.)