

D/L 26
22.09.2025
Bpg.
ct.no.35

W.P.A.23776 of 2019
With
CAN 1 of 2024
With
CAN 2 of 2024

Debdas Mondal
Versus
The State of West Bengal & Ors.

Mr. Narayan Ch. Mandal
Ms. Amita Khatri.
...for the petitioner.

Ms. Noelle Banerjee
Ms. Kalpita Paul.
...for the State-respondents.

In Re: CAN 2 of 2024

Petitioner has prayed for condonation of delay in preferring the application for restoration of the order dated 29.09.2022. There has been a delay of about 500 days. The reasons so assigned are for personal grounds of the learned advocate who did not come to court for a substantial period of time and, as such, could not appear when the writ petition was called. Considering the reasons for the delay which has taken place in preferring the restoration application, I am of the view that the same is just and sufficient.

Accordingly, CAN 2 of 2024 is allowed.

In Re: CAN 1 of 2024

Since the reasons assigned in the application for condonation of delay do apply in respect of the present application i.e. absence of the learned advocate on the personal grounds, I am of the view that a litigant cannot suffer because of fault of a lawyer. Consequently, CAN 1 of 2024 is allowed.

WPA 23776 of 2019

The representation which was made by the petitioner is on 21.05.2019. The report which has been submitted by the State is dated 21.04.2025. Substantial time has passed and the civil court/appellate court's order in Title Appeal No.17 of 2016 dated 25.07.2018 reads as follows:

“that the appeal is allowed ex parte. The order passed by the Ld. Court below order no.32 dated 25.08.2015 is set aside. It is declared that plaintiffs have good right and title over the suit property. But we cannot say if they are in possession over the suit property or not.”

Having considered the time period which has passed in the meantime and the report so submitted, I am of the view that the Superintendent of Police, Basirhat Police District will consider the

representation dated 25.11.2019 if the same till date has not been considered. In case the same has been considered, the concerned police authorities would inform the outcome of the decision to the petitioner, preferably within a period of 30 days from the date of intimation made by the petitioner.

With the aforesaid observations, WPA 23776 of 2019 is disposed of.

There will be no order as to costs.

Report so submitted be kept with the record.

All 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 given to the parties upon compliance of all requisite formalities.

(Tirthankar Ghosh, J.)