

January 5, 2026
Sl. No.A 53
Court No.1
s.biswas

MAT 2113 of 2025
With
CAN 1 of 2025
CAN 2 of 2025

Shyampada Mondal
vs.
The State of West Bengal and others

Mr. Amlan Jyoti Sengupta
Mr. Arunava Mukherjee

... for the appellant

Mr. Gourav Das
Ms. Rajyashree Mukherjee

... for the State

Per, Partha Sarathi Sen, J.

In re: CAN 2 of 2025

1. This is an application for condonation of delay in filing the instant appeal for 85 days.
2. Learned counsel appearing on behalf of the respondents in his usual fairness submits that the delay in filing the instant appeal may be condoned.
3. In view of such submission, CAN 2 of 2025 is hereby allowed. Consequently, the delay in filing the instant appeal is hereby condoned.

In re: MAT 2113 of 2025 with CAN 1 of 2025

4. The subject matter of the instant appeal is the order dated 31.07.2025 as passed by the learned Single Bench in WPA 16585 of 2025, whereby and whereunder the said writ petition was dismissed by holding that the writ petitioner is not entitled to any relief on account of availability of the

alternative remedy before the jurisdictional Civil Judge.

5. At the time of hearing, learned counsel appearing on behalf of the writ petitioner/appellant submits before this court that the learned Single Bench while passing the impugned order has failed to visualize that despite obtaining a favourable order of injunction from the jurisdictional Civil Court in Title Suit No.589 of 2025, the defendants therein are making an attempt to dispossess the plaintiff/writ petitioner/appellant herein without due course of law for which the writ petitioner approached the police authorities for protection but in vain.
6. It is further submitted that considering such fact the learned Single Bench ought to have allowed the writ petition filed by the writ petitioner by directing the police authorities for implementing the order of injunction as passed by the jurisdictional Civil Judge in Title Suit No.589 of 2025.
7. On careful perusal of the entire materials as placed before this court and after hearing the learned counsel for contending parties, it reveals that the learned Single Bench rightly observed that the petitioner approached before him on account of alleged violation of order of injunction

as passed by the jurisdictional Civil Court in Title Suit No.589 of 2025.

8. It further appears to us that the learned Single Bench has noticed that in the event there is any violation of order of injunction, the Civil Court is competent enough to grant relief to the petitioner who alleges violation of the order of injunction.
9. The view as taken by the learned Single Bench is quite plausible view and the learned Single Bench has rightly observed that alternative, efficacious and statutory remedy is available to the writ petitioner by filing appropriate application before the jurisdictional Civil Court which passed an order of injunction in favour of the plaintiff in Title Suit No.589 of 2025.
10. In view of the discussions made hereinabove, we find no reason to interfere with the order dated 31.07.2025 as passed by the learned Single Bench in WPA 16585 of 2025. Accordingly MAT 2113 of 2025 is dismissed.
11. With the dismissal of the instant appeal, CAN 1 of 2025 is also dismissed.

(Sujoy Paul, A.C.J.)

(Partha Sarathi Sen, J.)