

07.08.2023
Court No.13
Item No.70
AP

FAT 896 of 2003
With
CAN 3 of 2023 (not found in the file)
With
CAN 4 of 2023 (not found in the file)
With
CAN 5 of 2023 (not found in the file)

The Collector (Under Act I of 1894) and Anr.
Vs.
Shri Sajal Bhattacharyya

Mr. Soumitra Bandyopadhyay
Mr. Supratim Dhar
Mr. Priyabrata Batabyal
Mr. Nilay Baran Mondal

... For the Appellant.

Mr. Gopal Ch. Ghosh
Mr. Prasanta Kumar Banerjee
Mr. Sayan Sengupta

... For the Respondent.

1. Although the explanation for about 152 days delay in filing CAN 4 of 2023 has not been effectively explained in terms of law and procedure, this Court for the ends of justice is inclined to condone the delay in filing CAN 4 of 2023.

2. Sufficient grounds are available to explain the absence of the learned advocate for the appellants on 8th December, 2022.

3. Hence, CAN 4 of 2023 is allowed.

4. The order dated 8th December, 2022 is recalled.

5. The appeal is restored to its file and number.

6. The appeal is admitted on the following questions of law:-

(a) Whether the land in question acquired by the State was 'Aush' or 'viti'?

(b) Whether the RSROR indicating the land is 'viti' is conclusive proof of the nature and character of the land?

(c) Whether the Court below had sufficient evidence before it to disagree with the findings of the first authority that the land in question is 'Aush' and not 'viti'?

7. Let informal paper books be prepared by the Registry within a period of four weeks from date mandatorily and positively.

8. The appellants and respondent shall collect the copies of the paper books from the Registry.

9. Let this matter stand adjourned and be listed four weeks hence.

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

(Rajasekhar Mantha, J.)

(Supratim Bhattacharya, J.)