

19-04-2024
ct no. 13
Sl. 32
sp

WPA 11877 of 2021
With
CAN 1 of 2024
Samarendra Nath Sikdar @ Samarendra Sikdar & Ors.
-Versus-

The State of West Bengal & Ors.

Mr. Nilotpal Chatterjee,
Mr. Sourabh Sengupta
...for the petitioners

Mr. Amitava Chowdhury,
Ms. Paramita Pal
...for the State

Re: CAN 1 of 2024

1. CAN 1 of 2024 has been filed seeking modification and/or review of the order dated January 14, 2022. Under normal circumstances, the petitioners would have been required to file a formal application for review along with a memorandum of review.
2. There is also substantial unexplained delay since after passing of the order dated January 14, 2022 in making the instant application.
3. Be that as it may, this Court notes an erroneous recording in the 5th and 6th line of the third paragraph of the first page of the said order.
4. There is an error apparent on the face of record. In the letter dated June 18, 2019,

the Estate Manager, Kalyani, has stated that the petitioner was to execute a lease deed with the Estate Manager, within 3 months of the said letter and complete construction within the time frame stipulated in the lease deed.

5. In those circumstances, the portion of the order to the extent that it says complete construction at the said premises, within 3 months thereof, shall stand deleted. It shall be replaced with the expression 'execute the lease deed, within 3 months in respect of the land with the Estate Manager and complete construction, within the period stipulated under the lease deed'.
6. CAN 1 of 2024 is treated as an application for review.
7. The delay in filing the application is condoned.
8. CAN 1 of 2024 shall stand disposed of.
9. There will be no order as to costs.
10. All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)