

12.10.2023
Item Nos.11 & 18
gd/ssd

MAT/685/2023
IA NO: CAN/1/2023
SK MANIRUL MIA AND ORS.
VS
TAJ KHAN MASAND E ALA R PIR
SAHEB AND ORS.
with
MAT/1075/2023
IA NO: CAN/1/2023, CAN/2/2023, CAN/3/2023
SK KABIR UDDIN MIA AND ORS.
VS
TAJ KHAN MASNAD-E-ALA (R) PIR
SAHEB AND ORS.

Mr. Kamal Mishra,
Mr. Pratap Sanfui,
Mr. Subhadeep Maitra
..for the Appellants in
MAT 685 of 2023.

Mr. Tanmoy Mukherjee
..for the Appellants in
MAT 1075 of 2023.

Sk. Md. Galib,
Ms. Sujata Mukherjee
..for the State in
MAT 685 of 2023.

Re: CAN 2 of 2023 in MAT 1075 of 2023

1. CAN 2 of 2023 has been filed by the appellants seeking condonation of delay of 45 days in filing this appeal.

2. Learned counsel for the appellants has referred to the explanation which has been furnished in the application and also has made submission in respect of the explanation for the delay.

3. We find that the delay in filing this appeal has been sufficiently explained and the appellants were

prevented from filing the appeal within time on account of bona fide reason.

4. Hence, CAN 2 of 2023 is, accordingly, allowed. The delay in filing the appeal is condoned.

Re: MAT 685 of 2023 and MAT 1075 of 2023

5. These intra court appeals are directed against the order dated 17th March, 2023 in WPA 6286 of 2023.

6. The writ petitioner claimed to be a Mutawalli of a Mosque and the dispute is pertaining to conduct of the festival.

7. The learned Single Bench after taking into consideration the facts and circumstances directed that the festival shall be held only after the appropriate court passes an order or a statutory authority decides which Mutawalli will conduct the festival and empowers them.

8. We find a direction passed by this court perfectly in order and does not call for interference.

9. It will be open for the appellants to approach the appropriate court or the appropriate authority for necessary relief.

10. With the above observations these appeal stand dismissed.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)