

D/L
Item No. 01
19.09.2023
KOLE

**MAT 1764 of 2023
With
IA CAN 1 of 2023**

**Jagannath Pakhira @ Jagonnath Das
-Vs.-
Asit Baran Chandra @ Asit Ranjan Chandra & Ors.**

*Mr. Bratin Kumar Dey,
Mr. A. Banerjee,
Mr. M. Pramanik,*

...for the appellant.

*Mr. Pinaki Dhole,
Mr. P. S. Sen,*

...for the State.

The appellant assails a judgment and order dated August 30, 2023, whereby the writ petition of the respondent no. 1 herein was disposed of by a learned Single Judge of this Court.

The writ petitioner had complained of illegal construction on the part of the present appellant. The learned Judge has directed the concerned Sub-Divisional Officer to conduct a spot inspection upon prior notice to all necessary parties and to take further action, if necessary.

We see that the appellant was not represented before the learned Single Judge on the day the matter was disposed of. Learned Advocate for the appellant says that for medical emergency, learned Advocate for the appellant who was the respondent no. 8 in the writ petition, had to leave court urgently on August 30, 2023, when the writ petition was disposed of. He says that the appellant has a sanctioned building plan in respect of the impugned construction.

We are not inclined to enter into the merits at all. If the appellant is so advised, he may approach the learned Single Judge with an appropriate application, in accordance with law, explaining his absence on the day the matter was disposed of by the learned Single Judge.

We see no reason to interfere with the order under appeal.

The appeal and the connected application are, accordingly, disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Apurba Sinha Ray, J.) (Arijit Banerjee, J.)