

26.04.2023
Item No.04

Crt.11
b.r.

MAT 1939 of 2015
CAN 1 of 2017 (Old No. CAN 10757 of 2017)
CAN 2 of 2017 (Old No. CAN 10786 of 2017)

District Magistrate, Howrah & Anr.
-vs-
Ferdowsi Ara Begum & Ors.

Mr. Arjun Roy Mukherjee
Mr. Avishek Prasad
..... for the appellants.

Mr. Ekramul Bari
Sk. Imtiaz Uddin
..... for the Respondent no.1/writ petitioner

Party/parties is/are represented in the order of their name/names as printed above in the cause title.

Mr. Prasad, Learned Advocate led by Mr. Arjun Roy Mukherjee, Learned Counsel, appears for the District Magistrate, Howrah and another, the appellants..

Under challenge is the order passed by the Hon'ble Single Bench dated 5th October, 2015 in the writ petition being WP No. 1464(W) of 2012. It is submitted that the appeal being MAT 1939 of 2015 was filed with a prayer for condoning the delay of 48 days. In support of the prayer for condoning the delay, CAN 10757 of 2017 has been filed.

Mr. Bari, Learned Senior Counsel appearing for the Respondent No.1 in this appeal/the writ petitioner, points that the application for condonation of delay (*supra*) was filed in 2017. No steps have been taken by the appellants

to get this appeal along with its connected application listed.

Mr. Bari further points out that in the meantime, a concurrent Hon'ble Division Bench of this Court by a Judgement and Order dated 14th of September, 2011 followed by an order dated 13th of December, 2022 by a Hon'ble Single Bench in a second writ petition filed by the respondent no.1/the writ petitioner, being WPA 23734 of 2013, granted relief to the respondent No.1/the writ petitioner in terms of and for implementation of the Order impugned in this appeal dated 5th of October, 2015.

It is further submitted on behalf of the respondent no.1/the writ petitioner that this appeal has been mentioned for consideration now in April 2023 by the appellants after a lapse of nearly 8 years from the date of the Order impugned in this appeal being the 5th of October, 2015(*supra*) and, after the expiry of nearly 6 years from the date of filing of the application for condonation of delay in 2017. Urgency is now purported to be cited by the appellants on the ground that a contempt application is now pending against the appellants before the appropriate Hon'ble Single Bench.

Having heard the parties and considering the materials placed, this Court finds the objections raised on behalf of the respondent no.1/the writ petitioner to be substantially corroborated by the facts on record. This

Court is thus unable to extend the privilege of condonation of delay in favour of the appellant considering that no steps were taken to get the appeal and condonation of delay application listed for nearly 6 years from the date of filing of the latter on the 16th of November, 2017.

The prayer for condonation of delay stands thus turned down.

CAN 1 of 2017 (Old No. CAN 10757 of 2017) stands **dismissed**.

MAT 1939 of 2015 with CAN 2 of 2017 (Old No. CAN 10786 of 2017) consequently also stand **dismissed**.

Parties to act in terms of the copy of the order downloaded from the official website of this Court.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance with all necessary formalities.

(Supratim Bhattacharya, J.) (Subrata Talukdar, J.)