

25.09.2024
ct. 6/SI. No.17
tkm

MAT 386 of 2023
CAN 1 of 2024
CAN 2 of 2024
Shaktipada Bhawal
Vs
Habra Municipality & Ors.

Mr. C S Banerjee
Mr. Sambudha Dutta
Mr. Shamit Dutta

....for the appellant

1. Having considered the averments made in the application for condonation of delay, delay in preferring the appeal, is condoned.

2. CAN 1 of 2024 is allowed.

3. Appellant is aggrieved by the order whereby the Hon'ble Single Judge disposed of writ petition giving liberty to him to approach the civil court with regard to encroachment of common passage. Appellant argues private respondents have made unauthorized constructions in respect whereof directions ought to have been passed by the Hon'ble Single Judge.

4. In view of this submission we give liberty to the appellant to make representation before the appropriate authority with regard to unauthorized construction if any, made by the private respondents and in the event such representation is made, the authority concerned shall take necessary steps in accordance with law after due enquiry and giving opportunity of hearing to the affected parties.

5. With the above observation, appeal is disposed of.

(Gaurang Kanth J.)

(Joymalya Bagchi, J.)