

29.08.2024
Sl. No.20
akd

**M. A. T. 1480 of 2024
(CAN 1 of 2024)
(CAN 2 of 2024)**

[Sanat Kumar Hait & Anr. -Vs- The State of West Bengal & Ors.]

Mr. Anindya Bose
Mr. Santanu Maji

... .. for the appellants

Re : C. A. N. 1 of 2024

1. The application has been filed under Section 5 of the Limitation Act for condonation of delay.
2. Having considered the averments made in the application for condonation of delay and being satisfied with the explanation given, we are inclined to condone the delay in preferring the appeal.
3. The application being CAN 1 of 2024 is allowed.

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4. Learned Advocate for the appellants contends no legal right of respondent no.6 has been infringed and he did not have locus to challenge the legality of the construction which had been made as per sanctioned plan.
5. We have gone through the impugned order. In the order, report of the B.L.&L.R.O. is noted wherein it is stated no permission for conversion of the land to *bastu* had been made. Under such circumstances, construction on the said land could not have been permitted by the Panchayat concerned.
6. It is strenuously argued an application for conversion is pending. Pendency of the said application in fact reinforces

the case of respondent no.6 that the land on which the building had come up was cultivable land and construction was impermissible thereon.

7. Under such circumstances, direction upon B.L.&L.R.O. to take up the matter with the Gram Panchayat concerned to deal with the unauthorized construction is unexceptionable.
8. However, we clarify any step taken by the Gram Panchayat concerned at the behest of respondent no.6 or the writ petitioner shall be after giving opportunity of hearing to the appellants.
9. With these observations, appeal is dismissed.
10. In view of dismissal of the appeal, connected application being CAN 2 of 2024 also stands disposed of.
11. Interim order, if any, shall stand vacated.
12. There shall be no order as to costs.
13. Let photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)