

**IN THE HIGH COURT OF JUDICATURE AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE**

HEARD ON: 24.04.2024

DELIVERED ON: 24.04.2024

CORAM:

**THE HON'BLE MR. CHIEF JUSTICE T.S. SIVAGNANAM
AND
THE HON'BLE MR. JUSTICE HIRANMAY BHATTACHARYYA**

M.A.T. 2090 of 2023

With

I.A. No. CAN 1 of 2023

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CAN 2 of 2023

Manindranath Bhuia & Ors.

Vs.

Sachindranath Maity & Ors.

Appearance:-

Md. Sabir Ahmed

Mr. Abdur Rakib

Mr. Tashim Ahamed

.....for the Appellants

Mr. Ziaul Haque

Mr. Manish Kumar Das

.....for the Respondent Nos.1 to 4

Mr. Sujit Sankar Koley

.....for the W.B.S.E.D.C.L.

JUDGMENT

(Judgment of the Court was delivered by T.S. SIVAGNANAM, C.J.)

In Re. CAN 2 of 2023

1. We have heard the learned advocates for the parties.
2. There is delay of 91 days in filing the appeal. We have perused the affidavit filed in support of the petition and we find that sufficient cause has been shown for not being able to prefer the appeal within the period of limitation.

3. Accordingly, CAN 2 of 2023 is allowed and the delay in filing the appeal is condoned.

In Re.: M.A.T. 2090 of 2023

4. This intra-Court appeal is by third parties, who are not parties in the writ petition and leave is sought for to file the instant appeal stating that in spite of their objections raised, the same were not considered.
5. The learned Single Bench has disposed of the writ petition by order dated 14th July, 2023 issuing certain directions to the authorities.
6. If the appellants have any grievance, they should approach the authorities and make their submissions before the authority.
7. The learned advocate for the respondents would submit that the electrical line has already been drawn. In any event, we grant liberty to the appellants to approach the appropriate authorities with an appropriate application, which shall be considered in accordance with law.
8. With the above observations/directions, the appeal and the connected application (I.A. No. CAN 1 of 2023) stand disposed of.
9. No costs.
10. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(T.S. SIVAGNANAM)
CHIEF JUSTICE

I agree.

(HIRANMAY BHATTACHARYYA, J.)

Pallab/KS AR(Ct.)