

19.08.2024
Sl. No.5
akd

**M. A. T. 2235 of 2023
(CAN 1 of 2024)
(CAN 2 of 2024)**

[The State of West Bengal & Anr. -Vs- Manju Dabi Bansfore & Ors.]

Md. T. M. Siddiqui .. Id. A.G.P.
Mr. Suddhadev Adak
... .. for the appellant-State

Ms. Senjuti Sengupta
Ms. Dipa Roy
Mr. Ramaneesh Guha Thakurta
... for the respondent no.1/
writ petitioner

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.

Re : M. A. T. 2235 of 2023

4. Learned Advocate for the appellant-State contends the direction given by the Hon'ble Single Bench that it shall be open to the Municipality concerned to seek financial assistance from the State in the event the Municipality is not in a position to clear the dues of the respondent no.1/writ petitioner has been set aside by a Division Bench presided over by the Hon'ble The Chief Justice in MAT 2211 of 2023 following the judgment in MAT 2179 of 2023 delivered on 01.07.2024.

5. However, learned Advocate for the respondent no.1/writ petitioner submits the dues have already been paid.
6. Under such circumstances, nothing survives in the appeal and the same is dismissed as infructuous.
7. In view of dismissal of the appeal, connected application being CAN 2 of 2024 also stands disposed of.
8. Interim order, if any, shall stand vacated.
9. There shall be no order as to costs.
10. Let photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)