

07.02.2025
Sl. No.8
akd

M. A. T. 10 of 2025
(CAN 1 of 2025)
(CAN 2 of 2025)
(CAN 3 of 2025)

[ASSIGNED]

[Sk. Saidul Haque -Vs- Sk. Saidul Mohit & Ors.]

Mr. Indrajit Bhattacharjee
Mr. Moloy Roy Choudhury
... .. for the appellant

Mr. Gopal Chandra Ghosh .. Sr. Advocate
Mr. R. K. Mondal
... for the respondent no.1/
writ petitioner

Mr. Alok Kumar Ghosh
Mr. Barin Banerjee
Ms. Sima Chakraborty
... .. for the KMC

Re : C. A. N. 2 of 2025

1. Appellant has assailed judgment and order dated 08.03.2024 whereby the Hon'ble Single Judge, inter alia, directed the Kolkata Municipal Corporation authorities for inspection and to initiate proceedings under Section 400(8) of the Kolkata Municipal Corporation Act for demolition of his unauthorized construction. There is a delay of 272 days in filing the appeal. He prays for condonation of delay.

2. Mr. Alok Kumar Ghosh, learned Advocate for the Kolkata Municipal Corporation and Mr. Gopal Chandra Ghosh, learned senior Advocate for the respondent no.1/writ petitioner submit the order impugned has already been given effect to and demolition order dated 14.06.2024 has already been passed. It is also contended appellant was aware of the subsequent developments and no justifiable explanation has been given for the inordinate delay.

3. We have examined the explanation given by the appellant in the application for condonation of delay. Apart from making a bald averment that he was unable to file the appeal due to advanced age and ill-health, no other explanation is forthcoming. No medical document with regard to illness has also been placed on record.

4. On the other hand, learned Advocates for the respondent no.1/writ petitioner as well as the Kolkata Municipal Corporation submit the appellant in the *interregnum* was actively defending himself in another contempt proceeding being CPAN No. 582 of 1999 arising from the same matter. That apart, the impugned order has already been given effect to and a fresh demolition order has been passed.

5. Hence, we are not satisfied with the explanation given for condonation of delay in preferring the appeal.

6. Accordingly, CAN 2 of 2025 is dismissed.

7. In view of dismissal of the application, MAT 10 of 2025 is dismissed as barred by limitation. Consequently, other connected applications being CAN 1 of 2025 and CAN 3 of 2025 are also disposed of.

8. It is open to the appellant to take steps against the demolition order dated 14.06.2024 in accordance with law, if so advised.

9. There shall be no order as to costs.

10. Let urgent Photostat certified copy of this order, if applied for, be supplied to the parties on usual undertaking.

(Subhendu Samanta, J.)

(Joymalya Bagchi, J.)