

25.07.2025.  
Item No. 16.  
Court No. 13  
sp

**M.A.T. No. 620 of 2025**  
**With**  
**I.A. No. CAN 1 of 2025**  
**And**  
**I.A. No. CAN 2 of 2025**  
Yadav Ahiri & Anr.  
Versus  
The State of West Bengal & Ors.

Mr. Milan Chandra Bhattacharjee, Id. Sr. Adv.  
Mr. Sushanta Kumar Laha,  
Ms. Sulagna Bhattacharya.

...For the appellants.

Mr. Debjit Mukherjee,  
Ms. Susmita Chatterjee.

...For the State.

Mr. Goutam Lahiri.

...For the respondent no.6.

Mr. Somraj Dhar,  
Ms. Suman Singh.

...For the respondent no.7.

CAN 2 of 2025

1. CAN 2 of 2025 is an application for condonation of delay of 1154 days in filing the instant appeal. The writ petition was disposed of by the Single Bench vide order dated 8<sup>th</sup> November, 2021. The writ petition was filed by the private respondent claiming that the appellants were effecting construction over a water body and without sanction plan. The writ petition was disposed of by the order dated 8<sup>th</sup> November, 2021 directing the Panchayat and other authorities to enquire as to whether the construction made by the appellants is unauthorized and on a water body.

2. As such, this Court does not find any adverse observation against the appellants for preferring the instant appeal.

3. In any event, pursuant to the impugned order, the Panchayat authorities have passed an order. The appellant has challenged the said order of the Panchayat authorities. It must, therefore, be understood that the appellant has accepted and acted upon the order dated 8<sup>th</sup> November, 2024. Challenge to the said order, therefore, even otherwise cannot arise.

4. There is absolutely no acceptable explanation for the delay of 1154 days in filing the appeal. The contempt proceeding before the Single Bench and the writ petition filed by the appellant against the order of the Panchayat, pursuant to the impugned order dated 8<sup>th</sup> November, 2021 cannot be ground explaining any delay.

5. In that view of the matter, this Court is not inclined to condone the delay of 1154 days in filing the instant appeal.

6. Hence, CAN 2 of 2025 shall stand dismissed.

7. Consequently, MAT 620 of 2025 and CAN 1 of 2025 shall also stand dismissed.

8. There shall be no order as to costs.

9. All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

**(Rajasekhar Mantha, J.)**

**(Ajay Kumar Gupta, J.)**