

18.08.2025.
Item No. 56.
Court No. 13
ap

M.A.T. No. 773 of 2025
With
I.A. No. CAN 1 of 2025
And
I.A. No. CAN 2 of 2025

Sri Sanat Kumar Bairagi
Versus
The State of West Bengal & Ors.

Mr. Tapas Kumar Dey,
Mr. Rakesh Roy.

...For the appellant.

Mr. Sourav Chowdhury,
Mr. Samrat Paul.

...For the State.

Mr. Amit Pan,
Mr. Debarshi Das.

...For the respondent nos. 2, 3, 4 & 5.

Re: CAN 1 of 2025 (Condonation of delay)

1. This is an application filed under Section 5 of the Limitation Act, 1963 for condonation of delay of about 21 days in filing the instant appeal.
2. Having heard the learned Advocate appearing on behalf of the appellant as also considering the statements made in the said application, this Court is satisfied with the grounds indicated therein, as sufficiently explaining delay of 21 days in preferring the appeal.
3. In view of the above, the application for condonation of delay being CAN 1 of 2025 is allowed and disposed of.
4. There will be no order as to costs.

Re: M.A.T. 773 of 2025

5. Original certified copy of the impugned order filed in Court today be taken on record.

6. The appellant is aggrieved by an order dated 27th March, 2025 passed by a learned Single Judge of this Court in W.P.A. 3096 of 2025.

7. It is an admitted position that the lease of the petitioner to conduct pisciculture at the Guin pond under Khirpai Municipality, Paschim Medinipur issued by the Block Land & Land Reforms Officer in his favour, expired in the year 2014.

8. The petitioner has illegally continued pisciculture in the said pond for 11 years. He raises a dispute in 2025, eleven years after the expiry of this lease that the Municipality does not have control or authority over the said pond. This is so as the land on which the pond is located is a vested land and hence under the Block Land & Land Reforms Officer.

9. Since the pond in question was lawfully auctioned by the Municipality, the writ petitioner, without having participated in the said auction process and retained his pisciculture at the pond in question, cannot turn around and now question the authority of the Municipality to auction the said pond. The petitioner's right in respect of the said pond expired sometime in the year 2014 and he has admitted the same before the learned Single Judge of this Court.

10. The question of the petitioner raising any grievance against Khirpai Municipality with regard to auctioning the said pond, cannot be arise.

11. The impugned judgment and order dated 27th March, 2025, therefore, calls for no interference. M.A.T. 773 of 2025 must fail and is hereby dismissed.

12. In view of dismissal of the appeal itself, the connected application being CAN 2 of 2025 shall also stand disposed of.

13. There will be no order as to costs.

14. 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.)