

18.08.2025.
Item No. 60.
Court No. 13
ap

M.A.T. No. 881 of 2025
With
I.A. No. CAN 1 of 2025
And
I.A. No. CAN 2 of 2025

Biplab Naskar & Anr.
Versus
Shrimati Iva Naskar @ Mukherjee & Ors.

Mr. Rabindranath Mahato,
Mr. Aritra Shankar Ray.

...For the appellants.

Mr. Mrinal Kanti Ghosh.

...For the respondent no.1.

Mr. Malay Singh,
Mr. Neelam Singh.

...For the State.

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 three years 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 three years 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. 881 of 2025

5. Having heard the learned Counsel for the respective parties, this Court is of the view that M.A.T. 881 of 2025 can be disposed of by directing the Sub-Divisional Officer-in-charge of Matla-I Gram Panchayat to enter into the issue of legality of the construction effected by the appellants and the steps to be taken towards demolition of the alleged unauthorized construction of the present appellants.

6. It is expected that the Sub-Divisional Officer-in-charge of Matla-I Gram Panchayat shall give a personal hearing to all the parties and pass a reasoned order and communicate the same to the respective parties within a period of six weeks from date.

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

8. There will 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.)