

22.09.2025
Court No.13
Item No. 52
sp

MAT 947 of 2025
With
CAN 1 of 2025
With
CAN 2 of 2025

Tapas Kumar Chowdhury
Vs.
The State of West Bengal and Ors.

Mr. Kallol Basu
Mr. Suman Banerjee
Ms. Atreya Chakraborty

... For the Appellant.

Mr. Susanta Pal
Mr. Mansoor Alam

... For the State.

Mr. Ayan Banerjee
Ms. Sarmila Das

... For the Private Respondent.

Re: CAN 2 of 2025

1. CAN 2 of 2025 has been filed seeking condonation of delay of 28 days in filing the instant appeal.
2. Sufficient grounds are available to indicate the delay in filing the instant appeal.
3. Hence, the delay is condoned.
4. Accordingly, CAN 2 of 2025 is allowed and disposed of.

Re: MAT 947 of 2025

5. The municipality will commence proceedings under Section 218 of the West Bengal Municipal Act, hear the objections of the learned counsel for the appellants as well

as the respondent/writ petitioner and pass a reasoned order demarcating the municipal land and the encroachments made by the appellants, if at all.

6. The encroachments shall thereafter be proceeded to be removed in accordance with law by the Serampore Municipality.

7. The earlier findings and reports filed by the municipality shall not stand in the way of any fresh decision taken by the concerned authority.

8. Measurements or inspection by the municipality and its concerned officer shall be done in presence of both the parties.

9. With the aforesaid observations, MAT 947 of 2025 shall stand disposed of.

10. Consequently, CAN 1 of 2025 shall also stand disposed of.

11. There shall be no order as to costs.

12. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

(Ajay Kumar Gupta, J.)