

22.09.2025.
Court No.13
Item No. 15
ap

M.A.T. No. 1181 of 2025
With
I.A. No. CAN 1 of 2025
And
I.A. No. CAN 2 of 2025

Rajib Hazra & Anr.
Versus
The State of West Bengal & Ors.

Ms. Priyakshi Banerjee
...For the appellants.
Ms. Debjani Sengupta,
Ms. Paulomi Ghosh.
...For the respondent no.5.
Mr. Manoj Malhotra,
Mr. Sabyasachi Mondal.
...For the State.
Mr. Soumik Ganguli,
Ms. Priti Burman.
...For the Bankura Municipality.

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 410 days in filing the instant appeal.
2. Having heard the learned Advocate appearing on behalf of the appellants as also considering the statements made in the said application, although this Court is not satisfied with the explanation offered for delay in filing the instant appeal but for the ends of justice, the delay of 410 days in preferring the appeal is condoned.
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. 1181 of 2025

5. Affidavit-of-service filed in Court today be taken on record.
6. The instant intra court appeal is directed against the order dated 13th June, 2024 passed by a learned Single Judge of this Court in W.P.A. 4301 of 2023.
7. The writ petitioner therein being the private respondents herein had alleged that the appellants have effected construction of their properties without proper sanction plan.
8. Counsel for the respondents has submitted that the construction is temporary in nature.
9. It appears from the records that an inspection report of the Bankura Municipality was considered by the learned Single Judge of this Court wherein the Municipality held that the construction made by the appellants required a proper sanction plan.
10. Admittedly, there is no sanction plan.
11. In that view of the matter, the directions of the learned Single Judge of this Court on Bankura Municipality to take steps for demolition of the unauthorized construction cannot be faulted.
12. M.A.T. 1181 of 2025 must fail and is hereby dismissed.
13. Interim order, if any, is also vacated.
14. In view of dismissal of the appeal itself, the connected application being CAN 2 of 2025 is also dismissed.

15. There will be no order as to costs.

16. 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.)