

24.09.2025
Court No.13
Item No. 14

sp

MAT 1228 of 2025

With

CAN 1 of 2025

With

CAN 2 of 2025

With

CAN 3 of 2025

Sukdeb Mondal

Vs.

Ranadip Sadhukhan & Ors.

Ms. Shohini Chakraborty,
Mr. Arijit Sarkar,
Mr. Sagnik Chatterjee,
Mr. Sayan Mukherjee.

...for the applicant.

Sk. Md. Galib,
Ms. Sujata Mukherjee.

..for the State.

Mr. Subhabrata Das,
Mr. Mrinal Kanti Das,
Mr. Arindam Banerjee.

..for the North Barrackpore Municipality.

Re: CAN 1 of 2025

1. CAN 1 of 2025 has been filed seeking condonation of delay of 58 days in filing the instant appeal.

2. Sufficient grounds are available to indicate the delay of 58 days in filing the instant appeal.

3. Hence, the delay is condoned.

4. Accordingly, CAN 1 of 2025 is allowed and disposed of.

Re: CAN 3 of 2025

5. CAN 3 of 2025 is an application for leave to prefer the instant appeal against the impugned order dated 6th May, 2025.

Re: CAN 2 of 2025

6. CAN 2 of 2025 is an application for stay of the impugned order.

7. It appears from record and the impugned order that the Single Bench has found favour with the respondent authorities and has directed restoration of a pond under L.R. Plot No. 664 in Mouza-Monirampore under J.L. No. 2, Khatian No. 499 within the District of North 24-Parganas.

8. The appellant is admittedly the owner of plot No. 665 in Part and has effected permanent construction thereon in the year 2008 with a duly sanctioned plan from the local municipality. The record of rights indicates that plot No. 665 is classified as Danga (flat homestead land). The impugned notice issued to the appellant dated 7th July, 2025, also referred only to L.R. Plot No. 664 and not to the appellant's plot.

9. In that view of the matter, the impugned order calls for no interference. The ADM and D.L. & L.R.O., Barrackpore-I, North 24-Parganas shall carry out the order of the Single Bench only to the

extent of plot No. 664. Any encroachment into plot No. 664 by any person including the appellant shall be appropriately dealt with in carrying out the order of the Single Bench in a restoration of the pond/water body.

10. The appellant undertakes not to press the application for recall filed before the Single Bench.

11. With the aforesaid observations, the instant appeal shall stand disposed of. Consequently, all connected pending applications, if any, shall also stand disposed of.

12. Interim orders, if any, shall stand vacated.

13. There shall be no order as to costs.

14. Instructions of the D.L. & L.R.O. addressed to the State advocate are kept with the record.

15. 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.)