

19.12.2025
Court No.13
Item No.9
AP

MAT 1633 of 2025
With
CAN 1 of 2025
With
CAN 2 of 2025

Ijabul Sk
Vs.
Safia Bibi and Ors.

Mr. Anirban Das
Mr. S.K. Seal
Ms. D. Das

.... For the Appellant.

Mr. Jahar Datta
Mr. Bipin Ghosh

.... For the State.

Re.: **CAN 1 of 2025**

1. CAN 1 of 2025 is an application for condonation of delay of 223 days in filing the appeal.
2. Sufficient grounds are available on record to explain such delay. Hence, the delay in filing of the appeal is condoned.
3. Accordingly, CAN 1 of 2025 is allowed.

Re.: **MAT 1633 of 2025**
With
CAN 2 of 2025

4. Affidavit of service filed on Court today is taken on record.
5. The appeal is directed against an order dated 4th November, 2024 passed by a Single Bench of this Court. By the impugned order, the Court considered the report

of the Beharia Gram Panchayat and found unauthorized construction on the entire plot of land comprising in 59 decimals of land. The State has also confirmed before the Single Bench that there was some unauthorized construction on the said plot of land and they are willing to demolish any such construction. The Single Bench is directed the respondent No.7 in the writ petition to take steps under the West Bengal Panchayat Act to demolish any illegal and unauthorized construction.

6. Learned counsel for the appellant submits that there is no illegal and unauthorized construction on the portion of land owned by him comprising in 14 decimals.

7. The Gram Panchayat is represented and has stated that there is unauthorized construction on the petitioner's land. The report, however, does not mention any specific part or portion of the plot of 59 decimals on which the unauthorized construction exist.

8. Be that as it may, in the event the Gram Panchayat finds that there is, in fact, unauthorized construction on the appellant's land, the same shall be demolished forthwith including the land of any others within the same plot of land comprising of 59 decimals.

9. However, the appellant may, carry out agricultural activities within his 14 decimals of his land and the Gram Panchayat shall not interfere with the same.

10. Any other activity undertaken by the appellant including construction shall be dealt with strictly by the Gram Panchayat in accordance with law.

11. With the aforesaid observations, MAT 1633 of 2025 is disposed of. Consequently, connected pending applications being CAN 2 of 2025 is also disposed of.

12. There shall be no order as to costs.

13. Report of the Beharia Gram Panchayat, Murshidabad dated 12th December, 2025 is taken on record.

14. 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.)