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IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
ORIGINAL SIDE

APOT/79/2025
IA NO: GA/1/2025
MD MEHMOOD @ GANJA MAHMOOD & ORS.
.....Respondents/Appellants
VS
MD. EHTESHAM UDDIN
...Writ Petitioner/Respondents
THE KOLKATA MUNICIPAL CORPORATION & ORS.
....Respondents

BEFORE :
HON'BLE JUSTICE RAJASEKHAR MANTHA
-A N D-
HON'BLE JUSTICE AJAY KUMAR GUPTA
DATED : 28TH APRIL, 2025.

Appearance :-
Mr. A. Ghosh, Adv.
Mr. N. Chatterjee, Adv.
Mr. S. Hazra, Adv.
...for appellants
Mr. Debjit Mukherjee, Adv.
Ms. Susmita Chatterjee, Adv.
....for State
Ms. Piyali Sengupta, Adv.
Ms. Manisha Nath, Adv.
...for KMC

The Court :- (1) GA/1/2025 is an application for condonation of 341 days' delay in preferring the appeal. The appellant is admittedly a respondent in the writ petition.

(2) The order of upholding the demolition was passed by this Court on 14th March, 2024.

(3) The petitioner claims at paragraph 3 that he came to know for the first time of the said order when the officials of the Municipal Corporation came to his premises on 9th December, 2024. At paragraph 4 it is stated that after the petitioner/appellant came to know of the order dated 14th March, 2024 he applied for a certified copy and obtained the same on 9th January, 2025. The period of thirty days from 9th December, 2024 to 9th January, 2025 has not even been remotely explained. The claim of the appellant that he was not served with the copy of the writ petition is not supported by any document. On the contrary the respondents submit that since after the order dated 14th March, 2024 there were contempt proceedings and the matter was heard on several days.

(4) This order of the Single Bench dated 14th March, 2024 was admittedly pasted on several portions of the said premises, demolition whereof has been upheld by the Single Bench. It is difficult for this Court to believe that the appellant came to know of the said order only in December 2024.

(5) It is further submitted that the writ petition based on which the order dated 14th March, 2024 was passed in respect of three several premises. As to which premises the petitioner is concerned with is not

clear from the application. In the backdrop of the above this Court is of the view that the appellant has not even made any serious attempt to explain the delay of 341 days in preferring the instant appeal. This Court, is therefore, not inclined to condone the delay of 341 days.

(6) GA/1/2025 shall stand dismissed. Consequently, APOT/79/2025 shall also stand dismissed.

(RAJASEKHAR MANTHA, J.)

(AJAY KUMAR GUPTA, J.)