

April 16, 2026
Sl. No.13
Court No.1
s.biswas

MAT 240 of 2026
With
CAN 1 of 2026
CAN 2 of 2026

Nal Raja Mondal
vs.
The State of West Bengal and others

Mr. Chandradoy Roy
... for the appellant
Mr. Akash Dutta
... for the State

Dictated by Sujoy Paul, C.J.

1. Affidavit of service filed on behalf of the appellant is taken on record.
2. Mr. Chandradoy Roy, learned counsel for the appellant and Mr. Akash Dutta, learned counsel for the State, are present. None appears on behalf of the private respondents, though on 02.03.2026 they were represented by their learned counsel.
3. CAN 1 of 2026 seeking condonation of delay of 219 days is taken up.
4. Learned counsel for the appellant by taking this court to the pleadings of this CAN, urged that soon after receiving the impugned order of learned Single Judge,

both the parents of appellant suffered with eye ailments because of which they had undergone treatment. Medical documents have been filed along with CAN. Because of the said treatment and admission in the hospital, the money saved by the appellant for filing this appeal could not be utilized. Instead, it was utilized for the treatment of his parents. Thereafter, he collected the money and filed this appeal. The delay is unintentional and beyond his control. Thus, the delay may be condoned.

5. The prayer is opposed by learned counsel for the State.
6. In our opinion, sufficient cause has been shown by the appellant for belatedly filing this appeal. Accordingly, the delay is condoned. CAN 1 of 2026 is **allowed**.
7. Heard the appeal on admission.
8. This intra-court appeal is directed against the order dated 08.07.2025 passed by learned Single Judge in WPA 14650 of 2025. The principal grievance of the appellant/petitioner was that he has

sanction plan. But despite that plan, the private respondent is not permitting him to raise construction. It is alleged before the learned Single Judge that the appellant is involved in encroachment. Learned counsel for the appellant submits that if private respondent is aggrieved by the sanction plan, the remedy is elsewhere. As long as sanction plan is subsisting, the appellant is entitled to raise construction in accordance with said sanction plan. So far as encroachment is concerned, if private respondent is aggrieved he may avail the remedy under the civil law. The appellant may be protected, so that he can raise construction in accordance with law as per sanction plan.

9. Learned counsel for the State opposed the same and urged that there is no illegality in the order of learned Single Judge.

10. Before the learned Single Judge, sanction plan dated 03.04.2025 (Annexure P/5) was placed on record which shows that

building permit was valid up to 27.03.2025. Although principally we agree with the contention of the learned counsel for the appellant that if sanction plan is subsisting, he is entitled to raise construction. In accordance therewith, we are inclined to observe that this order will be helpful and protect the appellant only when there exists a valid sanction plan as on today.

11. Resultantly, the impugned order dated 08.07.2025 is modified by directing that the appellant can raise construction, provided he has a valid and subsisting building plan as on today. If any hindrance is created by private respondent or anybody else in raising construction, in such condition the appellant will be at liberty to apprise the police and concerned municipal authority. In that event it shall be the duty of the police and concerned municipality to ensure that if appellant is having a valid and subsisting sanction plan, he may be permitted to raise

construction in accordance with such plan.

12. The appellant shall communicate this order to the Board of Councillors, Tamralipta Municipality.

13. So far other dispute regarding encroachment etc. is concerned, the appellant and the private respondent are at liberty to raise this aspect in appropriate proceedings under Civil Law.

14. With the aforesaid, the appeal is **disposed of**. The order impugned is modified to the extent indicated above.

15. With the disposal of the appeal, CAN 2 of 2026 is also **disposed of**.

(Sujoy Paul, C.J.)

(Partha Sarathi Sen, J.)