

17.06.2026
SL No.92
Court No.12
(gc)

**MAT 1723 of 2025
CAN 1 of 2026
CAN 2 of 2026**

**Smt. Keka Ghosh
Vs.
The State of West Bengal & Ors.**

Mr. Apurba Kr. Ghosh
...for the Appellant.
Ms. Susmita Saha Dutta, A.G.P.,
Ms. Tanusree Ghosh
...for the State.
Mr. Malay Bhattacharyya
...for the Respondent Nos.7 & 8.

Re: CAN 1 of 2026

1. This is an application for condonation of delay of 16 days in filing the memorandum of appeal.
2. Upon considering the averments made in paragraphs 2 to 5 of the said application, we are satisfied that the delay has been sufficiently explained. The delay of 16 days is condoned.
3. Accordingly, CAN 1 of 2026 is allowed and disposed of.
4. The appeal is registered.

**Re: MAT 1723 of 2025
CAN 2 of 2026**

5. We are not inclined to interfere with the order impugned, in view of the fact that the respondent no.7 has produced a plan granted by the Panchayat authority.

6. The learned Advocate for the appellant submits that the plan was illegally procured.
7. We are of the view that the allegation in the writ court was unauthorized construction in the absence of a sanction plan. When the sanction plan has been produced, the order impugned cannot be interfered with. However, if the appellant has any allegation with regard to the method of procurement of the sanction plan, the appellant has other remedies under the law.
8. We also note that in respect of the self-same property a suit is pending before the respondent no.7 and other parties, in which the construction has been protected by an ad-interim order.
9. The order impugned is modified accordingly.
10. The appeal and the connected application are disposed of.
11. However, there shall be no order as to costs.
12. Parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)

(Ajay Kumar Gupta, J.)