

Misc Appeal No.56 of 2024
C.N.R. No. WBJP01-003707-2024

Order No.12, dated – 05.02.2026,

Today is fixed for hearing of the application under sec.5 of the Limitation Act.

Hazira has been filed on behalf of the appellant through his Ld. Advocate.

Hazira has also been filed on behalf of the respondents through panel Government pleader.

No written objection has been filed on behalf of the respondents. However, Ld. panel Government Pleader has intended to oppose this application under sec.5 of the Limitation Act through verbal submission.

Now the application under sec.5 of the Limitation Act is taken up for hearing.

Same is heard and considered.

It is a case of the appellant/ applicant herein that the impugned order was passed on 06.10.2023 by the Authorized Officer, Districts of Jalpaiguri and Alipurduar under Sec.59A(3) of the Indian Forest Act, 1927 but the same has been communicated much belated stage on 06.05.2024 vide Memo No.611/IT/208-2024 after lapse of 07 months and immediately after getting knowledge of such impugned order, Appellant has preferred the Appeal on 09.09.2024 with a delay of 94 days. It has been further contended that delay has been properly explained in his application with sufficient cause and reasons and accordingly, delay may be condoned and Appeal may be admitted by passing necessary order.

Ld. panel Government Pleader has opposed this application with this contention that delay has not been properly explained with sufficient cause. Furthermore, in the application under sec.5 of the Limitation Act the actual date of communication has not been properly mentioned. However, he has submitted for passing necessary order.

Upon perusal of the application under Sec.5 of the Limitation Act filed on behalf of the appellant / applicant herein and after going through the record including the impugned order as communicated to the appellant vide Memo No.2375/15-669 dated 09.10.2023 and also the letter of communication vide Memo No.611/IT-208/2024 dated 06.05.2024 issued by the Chief Conservator of Forests, Northern Circle, West Bengal and considering the submission of the Ld. Advocate on behalf of the appellant and the Ld. panel Government Pleader representing the respondent, it appears to this court that the impugned order was passed on 06.10.2023 and Appeal has been preferred with a delay of 94 days since the Appeal has been preferred after getting knowledge of the impugned order as it has been communicated to him on 06.05.2024 as it appears from the paragraph Nos.5 & 6 of the supplementary affidavit to the application under Sec.5 of the Limitation Act. However, explanation appears to be reasonable and sufficient.

In view of that, this court is inclined to allow the prayer for condonation of delay.

Accordingly, the application for condonation of delay in filing the present Appeal is allowed and disposed of by condoning the delay in preferring the Appeal, subject to payment of cost of Rs.1000/- to the D.L.S.A., Jalpaiguri.

Appeal be admitted after furnishing payment receipt on the next date fixed.

Fix 09.03.2026 for filing of payment receipt and admission of Appeal.

Dictated & Corrected by me

District Judge, Jalpaiguri
(WB01135)

District Judge, Jalpaiguri
(WB01135)