



09. 13.01.2025
Court No.26.

(Pritam)

**MAT 2173 of 2024
with
CAN 1 of 2024
with
CAN 2 of 2024**

**Amal Kumar Ghosh
-Vs.-
The State of West Bengal & Ors.**

Mr. Mainak Ganguly,
Mr. Chirantan Sarkar

....for the appellant.

Mr. Sukanta Kumar Mitra, Sr. Adv.,
Mr. Amartya Pal

.....for the State respondents.

In Re :- CAN 1 of 2024.

1. CAN 1 of 2024 is an application for condonation of delay.
The Department reports a delay of 30 days.
2. In the facts and circumstances of the present case, the causes in the application for condonation of delay are accepted as sufficient. The delay is of 30 days.
3. CAN 1 of 2024 is, thus, allowed.

In Re :- MAT 2173 of 2024 & CAN 2 of 2024

4. The appeal is directed against an order dated September 18, 2024 passed in WPA No.10401 of 2022.
5. Disputes relates to measurement of the width of a road. In ascertaining the width of the road, the demarcation of the immovable properties claimed to be owned by the writ petitioner/appellant is also required to be ascertained.
6. The State is represented.



7. In such circumstances, without prejudice to the writ petition and the contention of the rival parties in the appeal, it would be appropriate to request the concerned Block Land and Land Reforms Officer to undertake a fresh demarcation of both the immovable properties claimed to be owned by the appellant as also the width of the road, after taking assistance of a registered *Amin* in the office of the B.L. & L.R.O. If there is no registered *Amin* in the concerned office of the B.L. & L.R.O, then, assistance of a registered *Amin* from any other office of any other B.L. & L.R.O may be obtained. District Magistrate will ensure implementation of this order.
8. Cost for such measurement will be borne by the appellant. Cost to be deposited by January 20, 2025.
9. List the appeal and the connected application on **January 30, 2025.**
10. Inspection in terms of this order be carried out by January 22, 2025. Notice of such inspection upon the learned advocate-on-record for the appellant will be construed as sufficient notice upon the appellant.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)