

**07.10.2021**

Court No.16

rpan / **02**

**W.P.L.R.T. No. 39 of 2021**

(*via* Video Conferencing)

**Arshad Ali & Others**

- Versus -

**The State of West Bengal & Ors.**

Mr. Rajdeep Bhattacharya,  
Mr. Shareq Siddique  
... for the Petitioners.

Mr. A. Ray, Ld. G.P.,  
Md. T. M. Siddique,  
Mr. N. Chatterjee  
... for the State respondents.

Affidavit of service filed by the petitioners is taken on record.

This is an application for expeditious hearing of an application under Section 5 of the Limitation Act, being M. A. no.434 of 2017, filed in connection with O. A. no.1557 of 2017 pending before the learned 1<sup>st</sup> Bench, West Bengal Land Reforms and Tenancy Tribunal.

Record reveals that by an order dated August 13, 2018 the respondent no.2 was given liberty to file affidavit-in-opposition.

However, Mr. Bhattacharya, learned advocate for the petitioners submits that till date the said respondent no.2 has not filed any affidavit-in-opposition. He further submits that next date is fixed on December 9, 2021 before the learned tribunal.

Mr. Siddique, learned advocate for the State is present.

Since the application for condonation of delay in filing the original application is pending from the year 2017 and the respondent no.2 before the learned tribunal is yet to file any affidavit-in-opposition, a last opportunity is granted to the respondents to file their affidavit-in-opposition by November 11, 2021 after serving a copy of the same upon the petitioners or their advocate. Reply thereto, if any, be filed by November 25, 2021.

The learned tribunal is directed to take up the hearing of the M. A. no.434 of 2017 on the next date fixed (i.e., on December 9, 2021) and to dispose of the same as expeditiously as possible but positively within a week thereafter.

It is made clear that if the respondents do not file any affidavit-in-opposition to the M. A. no.434 of 2017 within the aforesaid date, no further extension of time for filing such affidavit shall be allowed by the learned tribunal.

With the above direction, the writ petition, being WPLRT 39 of 2021 is disposed of.

There shall, however, be no order as to costs.

The petitioners are directed to communicate this order to the respondents or their learned advocates immediately.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

**(Hiranmay Bhattacharyya, J.) (Tapabrata Chakraborty, J.)**