

N.22Sl
151/CL

WPLRT No.41 of 2021
M/s. Octagon Plazza Pvt. Ltd.
v.
The Kolkata Thika Tenancy Controller & Ors.

05.10.21 Sl-08 (S.R.)	Mr. Sudip Das Ms. Shatarupa Sarkar Mr. Arun Pahari Mr. Biswa Nath Samanta	... for the petitioner. ... for the respondent nos.3 to 8.
-----------------------------	--	---

The petitioner is aggrieved by the order dated August 26, 2021 passed by the learned Second Bench, West Bengal Land Reforms and Tenancy Tribunal whereby the hearing of the Miscellaneous Application No.293 of 2021 for condonation of delay in filing the Original Application No.1444 of 2020 (LRTT) has been fixed on May 6, 2022.

Mr. Das, learned advocate for the petitioner submits that the learned Tribunal ought to have fixed a short date for hearing of the Miscellaneous Application instead of fixing the date after more than 8 months.

Mr. Pahari, learned advocate for the respondents submits that it has been stated in the Miscellaneous Application that there has been a delay of 497 days but the delay is much more than what has been stated in the application.

It appears from the order impugned that the learned Tribunal granted liberty to the private respondents to file affidavits against the Miscellaneous

application before six weeks of the next date and reply, if any, within four weeks thereafter.

We have heard the learned advocates appearing for the respective parties and perused the materials on records. Since the application has been fixed for hearing on May 6, 2022, we direct the private respondents to file the affidavit-in-opposition positively within the time allowed by the learned Tribunal. If no such affidavit is filed within the aforesaid period, no further extension of time to file such affidavit shall be allowed to the respondents and the Miscellaneous Application shall be decided in the absence of such affidavit.

The learned Tribunal is directed to take up the hearing of the said application on May 6, 2022 and to dispose of the same on that date itself without granting any unnecessary adjournments to either of the parties. If the hearing of said application cannot be completed on that date for any other reason whatsoever, the learned Tribunal shall fix a date of hearing of such application immediately thereafter and shall dispose of the same positively within a week from the last date fixed.

With the above directions WPLRT No.41 of 2021 is disposed of without any order as to costs.

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.)

