

25  
23.11.2021  
Ct. No. 4  
ab/rrc

**COLRT 2 of 2021**  
**(Through Video Conference)**

**Tarapada Mahata & Ors.**  
**VS.**  
**The State of West Bengal & Ors.**

**Mr. Bhaskar Ghosh**  
**Mr. Uttiya Roy**

**.....For the petitioners**

**Mr. Anirban Ray**  
**Md. T.M. Siddiqui**  
**Mr. N. Chatterjee**

**.....For the State respondents**

**Mr. Santimay Bhattacharyya**  
**....For the respondent nos. 5 to 15**

It is really unfortunate that the matter which ought to have been disposed of showing alacrity is prolonged because of the mind set of the members of the West Bengal Land Reforms and Tenancy Tribunal. The matter is travelling on the peripheral of the docket of the Tribunal since 2012, yet, has not reached to its logical end after a gap of nearly eight years.

It is no doubt true that the pandemic has disrupted not only the pace in the life but also the other systems which are in place, but if the life can continue, the system should also. Any attempt to close down the system completely when the country is gearing up and vigorously attempting to achieve normalcy in the functioning, the Tribunal before us appears to have taken advantage of the pandemic and is still living in an atmosphere which has completely turned out and

became vibrant in the normal functioning of day to day affairs. Even the Supreme Court as well as the High Court are attempting to resume the physical hearing of the matters because of the sudden decline in the Covid related cases whereas the Tribunal before us is still living in the old era and shirking the responsibility of dispensing justice for which it owe and have pledged for by adjourning the matter after a gap of one year.

We are amazed and shocked when one of the members of the Tribunal, at one point of time, held the judicial seat and imparted justice to the litigants and the citizens of the country have shown a sudden drift in such mind set which either reflects the reluctance in discharging the duties and the functions or shirking of the onerous responsibility. Fixing a matter after a gap of one year showing the ground of pandemic has a counter-effect in exploding the docket of the Tribunal and inviting criticism from every nook and corner about the inefficiency and ineffectiveness not only of the person manning the system but the system itself.

We complement the learned Advocate appearing for the State, who fairly submits that this type of an order cannot be supported.

In view of the above, the impugned order dated July 16, 2021 is hereby set aside.

Let the tribunal application which is pending since 2012 be fixed for hearing by the Tribunal within 15 days

from the date of communication of this order. All the parties concerned shall appear before the Tribunal on the date so fixed and shall not ask for unnecessary adjournments. The Tribunal shall dispose of the matter within one month from the date so fixed and in order to keep adherence of the time limit indicated hereinabove, if necessary, the matter can be fixed on day to day basis.

With these observations, the application being COLRT 2 of 2021 is disposed of.

All parties shall act upon the server copy of this order duly downloaded from the official website of this Court.

**(Harish Tandon, J.)**

**(Rabindranath Samanta, J.)**