

December 03, 2021

ARDR

(30)

WPA 16613 of 2021

Pijush Kumar & Ors.

Vs.

The State of West Bengal & Ors.

Mr. Dipanjan Dutta,
Mr. Sayan Dutta,
Mr. Subhajit Chowdhury,

...for the petitioners.

Mr. Susovan Sengupta,
Mr. Subir Paul,

...for the State.

Affidavit of service filed by the petitioners, be
taken on record.

Heard learned counsels for the parties.

It is submitted on behalf of the petitioners that the land in question originally belonged to the predecessor-in-interest of the petitioners and his full blood brothers. The land was acquired by the Government and compensation declared in favour of the co-owners. Out of three brothers, two brothers received the compensation and the third, who is the predecessor-in-interest of the petitioners expired in the meantime. The petitioners, being minors at the relevant time, were unable to claim such compensation from the authority. The petitioners filed an application before the learned Land Reforms and Tenancy Tribunal for receipt of such compensation and the prayer of the petitioners was disposed of by

the Tribunal vide order dated 28th June, 2001. The petitioners complain that the order of the learned Tribunal was not complied with by the competent authority.

Learned counsel appearing for the State submits that though the order of the learned Tribunal was passed in the year 2001, the petitioners sat silent over the matter without taking any step against the authority for non compliance of the said order. No contempt application was also filed by the petitioners before the learned Tribunal.

Upon hearing the submissions made by the parties and considering the material on record, it appears that admittedly the Tribunal disposed of the application filed by the petitioners vide order dated 28th June, 2001 with a direction upon the District Compensation Officer, Malda to dispose of the issue of payment of compensation to the petitioners within a period of three months from the date of communication of the order. It is not in dispute that no step was taken by the District Compensation Officer in compliance with the said order. The petitioners did not care to take any step before the Tribunal for non compliance of such order and it is only in 2021 that they thought it fit to approach this Court by way of writ petition. The delay and laches on

part of the petitioners cannot be ignored. The sole prayer of the petitioners is compliance of the order of the Tribunal.

In view of above, this Court refrains from passing any order in favour of the petitioners in exercise of its extra ordinary jurisdiction under Article 226 of the Constitution of India.

Accordingly, WPA 16613 of 2021 is dismissed.

However, the petitioners are at liberty to approach the appropriate forum for redressal. The appropriate forum shall take into consideration the merits of the petition filed by the petitioners as also the cause of such inordinate delay in filing the application, if so demonstrated by the petitioners.

Since no affidavit has been invited, the allegations contained in the petition are deemed not to be admitted.

Urgent certified website copy of this order, if applied for, be furnished to the parties upon compliance of all necessary formalities.

(Suvra Ghosh, J.)