

WPLRT 63 of 2021
(Through Video Conference)

Devadidev Constructions Private Limited
VS.
Prafulla Kumar Das & Ors.

Mr. Santimoy Panda
Mr. Santimoy Bhattacharya
Ms. Riti Basu
Ms. Piyali Pan

.....For the petitioner

Mr. Chandi Charan De
Mr. Anirban Sarkar

.....For the State

Ms. Rituja Mukherjee

.....For the respondent no. 1

Ms. Debleena Dasgupta
Mr. Amitava Dasgupta

....For the respondent nos. 10, 11, 12, 13

Mr. Anirban Das

....For the respondent nos. 9, 14, 15

The instant writ petition has been taken out on the basis of an order dated 11th August, 2021 indicating that the matter which was put up on 11th August, 2021 before the 2nd Bench of the Land Reforms and Tenancy Tribunal, by fixing the date after a gap of eight months, i.e., 19th April, 2022.

The grievance of the petitioner in the instant writ petition is that the tribunal application which was filed way back in 2016, is still in the docket of the Tribunal and in fact, no alacrity is shown to get it disposed of at an earliest. It is contended that the manner in which the dates are fixed by the Tribunal, shows that the matter would never reach to the logical end in the near future.

It is no doubt true that the matter which was filed way back in 2016, is still on the peripheral of the docket of the Tribunal for nearly 5 years keeping the right undecided and in lurch. If the Tribunal behaves in such manner and shows no responsibility in achieving the timely disposal of the cases, the purpose and object as envisaged in the Constitution would be frustrated.

Mr. De, learned Advocate appearing for the State in his fairness submits that the support to such action cannot be extended as the timely disposal is one of the envisioned concept in a judicial dispensation system.

Since no right has been decided and the grievance appears to be restricted to the fixation of the matter after such a long time, we feel that the justice would be subserved if the members of the Tribunal are sensitized in the sense that the matter which could have been disposed of at an alarming pace is being protracted because of the insensitivity and the zeal to bring to its logical conclusion. Without sermonizing or making any advance remark, we request the member of the 2nd Bench of the Land Reforms and Tenancy Tribunal to fix a date for hearing of the tribunal application within 15 days from the date of communication of this order and the effort shall be shown to dispose of the same within one month therefrom in accordance with law.

The application is, thus, disposed of.

We have seen the order passed in the tribunal application and the manner in which the dates are fixed after a gap of eight months or more. The members of the Tribunal cannot shirk the responsibility.

We are informed that the private respondents in the instant matter have not filed affidavit-in-opposition. We extend the time for filing the affidavit-in-opposition by seven days from date; rejoinder, if there be any, within three days thereafter.

The time indicated hereinabove are peremptory and mandatory.

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

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.)