

**09.12.
2021**

Ct. No. 04

Ab

**IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side.**

WPLRT 65 of 2021

**Prodyot Kumar Das and others.
Vs.
The State of West Bengal and others.**

Mr. S. P. Pahari.

... for the Petitioners.

Mr. T.M. Siddiqui.

... for the State.

The instant writ application is filed for expeditious disposal of the Miscellaneous Application No. 14 of 2019 filed by the petitioners in Original Application No. 56 of 2019, which is pending for pretty long time. Apart from the same, the petitioners were also seeking for a direction upon the Original Authority to correct the LR Record of Rights, which has not been passed in favour of them.

At the very outset, we must record that there is no adverse order passed by the Tribunal against the petitioners. The principal grievance discernable from the pleadings of the instant application as well as the reliefs claimed therein is delayed disposal of an application for condonation of delay in preferring the Tribunal application beyond the statutory period of limitation provided therefor. There has been an unnecessary delay in disposing of the said application though it ought to have been disposed of with promptitude upon showing alacrity. Unless the delay is condoned, the right of the applicants to have the main relief does not fructify.

We are in deep pain when we find the application

for condonation of delay is pending for more than two years though ought to have been disposed of within a month or so. It postponed the right of the applicants in getting a decision on merit and the matter rolled on the peripheral of the docket of the Tribunal awaiting the decision on the application for condonation of delay. The postponement of a right to have the relief decided on merit not only causes the embarrassment to the litigant but augments the pendency of the litigation. Several discourses held throughout the country to combat the menace of heap of the pending matters yet sensitivity could not be attached in the mindset of the person manning the institution to promptly dispose of the matter, more particularly, the interlocutory applications, which impede the progress of the final proceeding.

Without sermonizing the man holding the Bench in the Tribunal, we simply request it to prepone the date for hearing the application for condonation of delay, which should not exceed beyond seven days from the date of communication of this order and thereafter shall dispose of the said application within a week therefrom in accordance with law.

With these observations, the writ application is disposed of.

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

(Harish Tandon, J.)

(Rabindranath Samanta, J.)

