

**State of West Bengal & Ors.
Vs.
Pravangshu Kumar Maity & Anr.**

**Mr. T. M. Siddiqui,
Mr. Nilatpal Chatterjee.
... for the petitioners.**

**Mr. M. K. Ghosh,
Mr. K. C. Sahoo,
Mr. K. Das.
... for the respondent no. 1.**

The instant writ petition arose from the judgement and order dated 23rd December, 2013 passed by the West Bengal Land Reforms and Tenancy Tribunal in O.A. 3994 of 2012; whereby and whereunder the order dated 6th November, 2012 passed by the Block Land & Land Reforms Officer, Contai – III, District – Purba Medinipur in Miscellaneous Case No. 5 of 2011 was set aside.

There is an inordinate delay in approaching this Court by the writ petitioners, the State of West Bengal. The instant writ petition is filed in the year 2022 after a gap of nearly nine years from the date of the impugned order.

On the earlier occasion leave was granted to the writ petitioners to file supplementary affidavit elaborating the sequel of events, which occasioned the delay in filing the instant writ petition. The same has been filed today. Let the same be kept with the record.

It appears from the documents annexed to the said supplementary affidavit that after the impugned order was passed the Block Land & Land Reforms Officer was of the view that the order of the Tribunal should be challenged before the High Court and communicated his decision to the District Land &

Land Reforms Officer, Purba Medinipur on 13th January, 2014. Though the said letter was received on the same day, but the said higher official communicated to the Block Land & Land Reforms Officer on 26th June, 2014 that certain documents are required in order to take a decision whether the order of the Tribunal is required to be challenged. Immediately the said officer was communicated with the relevant information, yet there appears to be somehow lethargic approach on the part of the authority in proceeding with the said matter.

Ultimately an Advocate was engaged and on 6th July, 2015 the Legal Remembrancer, West Bengal was requested to regularize his appointment. The requisite papers were handed over to the said Advocate engaged in this regard and we could lay hand to the note appended by the said Advocate on 4th December, 2015. It is communicated that the moment there is a civil court decree passed on the subject dispute, in absence of any appeal against the said decree approaching the High Court could not yield any favourable result. Even after the said advice there has been a change of Advocate and the documents subsequently annexed thereto would manifest that after a gap of one or two years there has been a reminder and ultimately the writ petition is filed in the year 2022.

We are conscious of the proposition of law that the delay is not required to be explained on day to day basis, but there is no ambiguity in our mind that there must be a continuity of the events justifying the delay. There may be a case that the litigant is somewhat negligent in proceeding with the litigation, but the Court after taking into consideration the facts in its entirety may condone the delay. The Writ Court normally do not entertain the writ petition filed

after inordinate delay more particularly in absence of any cogent or convincing explanations offered in this regard.

We are not unmindful of the reality about the movement of file in the Government Department. The immobility in the Government is not unknown, yet one has to ponder upon such reality and enhance the work culture. We have also noticed the tendency of the officers in shirking the responsibilities and causing letters without any genuine efforts to resolve the impasse; mere formality by virtue of communication does not absolve the responsibilities and the duties entrusted upon them, as the same cannot be considered to be sufficient explanation for such inordinate delay.

We thus do not find any sufficient explanations to have been offered for such delay and, therefore, we refuse to exercise our discretion under Article 226 of the Constitution of India.

The writ petition is thus dismissed.

There shall however be no order as to costs.

(Harish Tandon, J.)

(Shampa Dutt (Paul), J.)

