

Ct. 05
Item No.07
06.12.2022
(Suvendu)

WPA 3411 of 2020

**Ranjit Mitra
Vs.
Union of India & Ors.**

Mr. Ranjit Mitra
..... petitioner-in-person

Mr. Dhiraj Trivedi, Ld. DSG,
Mr. Tapan Bhanja
.....for the respondents

The petitioner prays for an opportunity to lodge his claim before the Assistant Custodian of Enemy Property, Government of India, Ministry of Home Affairs, for allotment of a Registration Number in respect of the properties which the petitioner claims to have lost in the erstwhile East Pakistan, now Bangladesh, at the time of partition.

For adjudication of the claim, a few dates should first be stated. A Scheme was structured by the Custodian of Enemy Property for compensation to those who had lost their properties at the time of partition and migrated from the then East Pakistan to India. The Scheme was result of a Notice issued by the Office of the Custodian of Enemy Property on 07.05.1971 and the last date to submit the particulars of the claim

was till 15.07.1971. The last date was extended till 31.07.1977.

The petitioner admittedly filed his claim on 16.01.1983. The Under Secretary to the Government of India rejected the claim of the petitioner on 04.03.1983 due to intervening delay. The petitioner's first of the 4 writ petitions (including the present writ petition), being WPA 22750(W) of 2006, was dismissed by an order dated 12.06.2008. The petitioner preferred an appeal from the order of dismissal and the Division Bench disposed of the Appeal on 11.03.2010 giving liberty to the petitioner to pursue his claim before the appropriate authority. The petitioner thereafter made a representation before the concerned authority and the representation of the petitioner was rejected on 28.05.2010 on the ground of being time-barred. The petitioner filed a Contempt Petition before the Court against such decision of the authority. The Contempt was disposed of by an order dated 07.03.2011. The petitioner again made a representation before the Custodian on 07.04.2011 which was rejected on 18.04.2011. The petitioner filed the second writ petition, being WPA 1128(W) of 2012, which was dismissed on 07.06.2013. The appeal filed from the rejection

was dismissed along with connected applications on 05.02.2015. A Review Application filed from the order of the Appeal Court was dismissed on 10.02.2017. A Special Leave Petition filed by the petitioner against the order of 10.02.2017 dismissing the Review Application was, however, dismissed on 06.07.2018. 3rd writ petition, being WPA 1540(W) of 2019, was dismissed on 12.03.2019. The petitioner again made a representation before the respondent authorities for lodging of claim and allotment of Registration Number on 10.01.2020.

The present writ petition was filed on 12.02.2020. The order of the Division Bench dated 11.03.2010 in the first writ petition was passed on merits of the matter. The order states the extension of time and the fact that the petitioner lodged a belated claim after the last extension which was given till 31.07.1977. The order records that the petitioner lodged his claim on 16.01.1983. The Division Bench further proceeded to opine that the time for lodging of claim had already expired and the properties have since vested with the Home Department. The petitioner was, however, given leave to file a representation before the concerned authorities. The sequence of events stated above shows that

the representations were rejected on the ground of being time-barred.

The Scheme was of 1971 and the claims were to be lodged till 31.07.1977 for specific purpose. We are now in the end of 2022. Although this Court has full sympathy for the cause of the petitioner, the petitioner should have lodged his claim before the time expired for doing such. The writ court is not empowered to stretch the time fixed in terms of a policy decision and that too after 45 years. This Court is, hence, not in a position and is unable to give any relief to the petitioner, however innocuous the relief may seem at first glance. This Court is also bound by the decisions of Coordinate Benches as well as Division Benches and the Supreme Court and cannot make a departure from the decided issues.

WPA 3411 of 2020 is accordingly dismissed without any order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertakings.

(Moushumi Bhattacharya, J.)