

26.09.2022

WPLRT 102 of 2022

Court : 04
Item : 75
Matter : WPLRT
Status : DO
Transcriber: NANDY

Manisha Das
Vs.
The Stat of West Bengal & Ors.

Mr. M.A. Samad, Advocate
Ms. Payel Ghosh, Advocate
Mr. Marouf Zahed, Advocate

.....for the Petitioner

Mr. Soumitra Bandopahdyay, Advocate
Mr. Priyabrata Batabyal, Advocate

.....for the State

The present writ-petition is filed seeking a direction upon the Tribunal to dispose of the tribunal proceeding including the applications filed therein.

The order dated 19.05.2022 is annexed with the instant writ-petition wherefrom it appears that the application being MA 201 of 2020 is fixed for hearing on November 30, 2022. It further transpires that despite service of the said application which, in fact, is an application for amendment of the tribunal application, direction was passed upon the State to file affidavit-in-opposition. The State prayed for an extension of time to file opposition which had been mechanically granted.

Our attention is drawn to the application for amendment having taken out in the year 2020 yet the State is unable to file the opposition. It is really unfortunate that because of the State, the disposal of the said application could not be done timely.

In recent past we experience that the State in order to oppose the application seeks time to file affidavit-in-opposition and, thereafter, continued to seek extension thereof. There are multiple reasons for the heap of the pending cases before the Tribunal all over the Country and

this is one of such examples which has been surfaced in the instant matter. The State is not a privilege litigant.

We have further noticed that the prayer of the private respondents before the Tribunal for extension of time to file opposition is being dealt with sternly whereas the State is shown more leniency.

Be that as it may, the said application for amendment is fixed on November 30, 2022 and the Tribunal shall be closed for long Puja Vacation.

We thus direct the State-respondents who are present before us, to file opposition to the said application on/or before 04.11.2022. Reply thereto, if any, be filed within 11.11.2022.

The Tribunal is directed to take up the said application on the date so fixed and shall dispose of the same on the said date. In the event and because of the unforeseen circumstances, the disposal could not be made on the said date, the Tribunal shall ensure that the said application is disposed of within two weeks thereafter.

Depending upon the fate of the said application, efforts shall be shown to dispose of the main proceeding as expeditiously as possible, preferably within six months from the said date.

With these observations, **WPLRT 102 of 2022** is **disposed of**.

(Harish Tandon, J.)

(Prasenjit Biswas, J.)

