

29.08.2022

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R.V.W. 173 of 2014

in

C.O. 2859 of 2013

I.A. CAN 1 of 2014 (old No.CAN 6323 of 2014)

I.A. CAN 2 of 2014 (old No.CAN 6324 of 2014)

I.A. CAN 3 of 2019 (old No.CAN 7304 of 2019)

Soumya Purkait

Vs.

Raghu Nath Samanta & ors.

Mr. Kushal Chatterjee

Mr. Debabrata Roy

... For the petitioner

Mr. Tapan Coomar Dey

Ms. Shreya Chatterjee

... For the W.B. Housing Board

Mr. P. R. Mitra

Mr. A. K. Roy

... For the Opposite Party Nos.1 & 2

Heard learned Counsel appearing on behalf of all the parties.

C.A.N.1 of 2014 (old No. CAN 6323 of 2014) is an application for review of the order dated December 23, 2013 passed by this Hon'ble Court.

C.A.N. 2 of 2014 (old No. CAN 6324 of 2014) is an application for condonation of delay in preferring the instant review application.

C.A.N. 3 of 2019 (old No. CAN 7304 of 2019) is an application for recalling of the order dated June 14, 2019 passed in connection with review application bearing R.V.W. 173 of 2014.

Firstly, it appears that the order has been passed in the review application without condoning the delay.

Accordingly, application being C.A.N. 2 of 2014 (old No. CAN 6324 of 2014) is disposed of by allowing the same.

With regard to application being C.A.N.1 of 2014 (old No. CAN 6323 of 2014), I am of the view that no review is required in the present matter. However, the Housing Board, which is also a party in the trial court, is required to file the report of the Special Officer as per the order dated 14th June, 2019 before the trial court. The trial court shall look into the aspect and decide on the rights of the parties taking into consideration the said report.

I, however, make it clear that I shall not go into the merits of such report.

I have been informed that the trial is going on and the petitioner has also been added in the trial.

In light of the same and in view of the above observation, the applications being CAN 1 of 2014 (old No. CAN 6323 of 2014), CAN 2 of 2014 (old No. CAN 6324 of 2014), CAN 3 of 2019 (old No. CAN 7304 of 2019) and the review application bearing R.V.W. 173 of 2014 are disposed of.

(Shekhar B. Saraf, J.)