

Ct. 05
Item No.04
23.02.2023
(Suvendu)

WPA 4264 of 2023

**Hari Pada Saha & Ors.
Vs.
The State of West Bengal and Ors.**

Mr. Sujit Saha
Mr. Debranjana Das
.....for the petitioners

Ms. Soni Ojha
Ms. Sonia Nandy
.....for the respondent no.3

Mr. Rupak Ghosh
Mr. Prantik Gorai
.....for the State

Mr. Kumarjyoti Tewari
Mr. Ravi Ranjan Kumar
.....for the respondent no.4

Learned counsel appearing for the petitioners submits that the DRT -III is presently not sitting and hence the writ court should protect the petitioners.

The material before the Court reveal that this Court had passed an order in favour of the petitioners on 2nd August, 2022 restraining the Bank from taking any steps till one week after a new Member assumes the office of the DRT -III or the petitioners' pending application is assigned to any other Bench of the DRT. This order was

passed solely on the ground that DRT III was not functioning in July –August, 2022.

Admittedly, the petitioners did not take any steps before the DRT –III from August, 2022 to January, 2023.

The petitioners filed an application on 21st January, 2023 before the DRT –III against a Notice of Possession issued by the Bank. The Presiding Officer of the DRT –III became unavailable from 8th February, 2023. There is no evidence of the petitioners’ taking any steps before the DRT –III either between August, 2022 –January, 2023 or between 21st January, 2023 – 8th February, 2023.

The Court will always look into the interest of litigant who has been vigilant and has given due regard to the orders of Court. In this case, the petitioners have taken advantage of the Court’s protection.

Needless to say, the petitioners shall take all points before the DRT.

WPA 4264 of 2023 is dismissed without any order as to costs with the above reasons.

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

(Moushumi Bhattacharya, J.)