

18.07.2023
Item No.6
Ct. No.5
CHC
(dismissed)

W.P.L.R.T.75 of 2023

**Tapan Kumar Biswas alias Tapan Biswas
Vs.
The State of West Bengal & ors.**

Mr. Rabindranath Mahato,
Mr. Aritra Shankar Ray
...for the petitioner

Md. T. M. Siddiqui, Ld. A.G.P.
Mr. Supratim Dhar
...for the State-respondents

The writ petition is directed against an order dated August 1, 2022 passed in West Bengal Land Reforms and Tenancy Tribunal in O.A.839(P)/2006.

By the impugned order, learned Tribunal refused to condone 1702 days in filing the application for review on the ground that, the writ petitioner failed to explain the delay sufficiently.

It appears from the record that O.A.839(P)/2006 was filed by the writ petitioner challenging the order passed by the Rent Controller giving direction for fixation of fare rent. The Original Application was disposed of by an order dated March 30, 2007.

The writ petitioner thereafter, filed an application for review by the order dated March 30,

2007 on December 5, 2011, which resulted in the impugned order.

It is the contention of the writ petitioner that, the order dated March 30, 2007 contains a particular direction which is incorrect. Acting on such direction, rent was fixed. An appeal was carried. During the pendency of the appeal, it was discovered that the order dated March 30, 2007 contained an incorrect direction and therefore there was a necessity for review.

With the deepest respect, we are unable to agree with such contention advanced on behalf of the writ petitioner. The order dated March 30, 2007 was available to the writ petitioner since its passing. The writ petitioner worked on the basis of the order dated March 30, 2007 without any objection. The order dated March 30, 2007 was implemented. The writ petitioner thereafter felt aggrieved by the decision taken in terms of the order dated March 30, 2007 and filed an Original Application.

The writ petitioner is a tenant in respect of the premises. There is an aspect of dilatory tactics that writ petitioner as a tenant adopted in all the proceedings. The Court is informed that there is a proceeding for eviction of the writ petitioner pending.

Apart from the aspect of delay in approaching the Tribunal for review which is 1702

days, there is an aspect of delay in approaching the High Court also. The order of the Tribunal is dated August 1, 2022.

We remind ourselves that, there is no prescription of limitation to approach the Writ Court under Article 226 of the Constitution of India under the Limitation Act, 1963. However, we cannot be oblivious of the fact of the delay of writ petitioner in approaching the Court and his intentions with regard to the proceedings. This is an attempt to delay fixation of fair rent.

In such circumstances, we not minded to interfere with the impugned order.

W.P.L.R.T. 75 of 2023 is dismissed without any order as to costs.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)