

Dd 05 21.09.2023

MAT 1787 of 2023

with

I.A NO: CAN 1 of 2023

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I.A NO: CAN 2 of 2023

Smt. Bratati Chowdhuri

Vs.

The State of West Bengal & Ors.

*Mr. Amritam Mandal,
Ms. Ananya Chakraborty, Advocates
... .. For the Appellant*

*Mr. Supratim Dhar,
Mr. Amritlal Chatterjee, Advocates
... .. For the State*

In re : I.A NO: CAN 1 of 2023

CAN 1 of 2023 is an application for condonation of delay of 25 days in preferring the appeal. In view of the pleadings in the application for condonation of delay and for the ends of justice, delay of 25 days is condoned.

*CAN 1 of 2023 is **allowed**.*

In Re : MAT 1787 of 2023

By consent of the parties, the appeal is treated as on the day's list and is taken up for hearing.

The appeal is directed against an order dated July 14, 2023 passed in CAN 3 of 2022 in WPA 12023 of 1994.

By the impugned order, the learned Judge refused to condone 2719 days delay on the ground that appropriate cause was not shown.

Learned advocate appearing for the appellant submits that, the writ petitioner challenged the vires of the West Bengal Land Reforms (Amendment) Act, 1981 and 1986. The writ petitioner also challenged Case No. 31/7AA/Suo/93 and the notice dated January 22, 1993. He submits that, with the establishment of the West Bengal Land Reforms and Tenancy Tribunal Act, 1997, the records of WPA 12023 of 1994 were required to be transferred to the Tribunal by the department of this Court. The writ petition was dismissed for default on March 13, 2015 by this Court when it did not possess jurisdiction over the subject writ petition.

State is represented.

There is substance in the contention of the appellant that on March 13, 2015, the High Court did not possess jurisdiction over the subject writ petition. It was required to be transferred to the Land Reforms and Tenancy Tribunal.

In such circumstances, since the order dated March 13, 2015 was without jurisdiction, the same is set aside. The impugned order dated July 14, 2023 is also set aside on the parity of the same reasoning.

Department will transmit records of WPA 12023 of 1994 forthwith to the appropriate Tribunal.

MAT 1787 of 2023 along with all connected applications are **disposed of** without any order as to costs.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)