

WPLRT 179 of 2022

Smt. Pratima Saha
Vs.
The State of West Bengal & Ors.

Mr. Mrinal Kanti Ghosh
Mr. Satyajit Tripathi
... for the petitioner

Mr. T. M. Siddiqui
Mr. S. Dhar
... for the State

Name not supplied by respondent no. 3.

An order dated July 8, 2022 passed by the West Bengal Land Reforms and Tenancy Tribunal is under challenge in the present writ petition.

Learned advocate appearing for the writ petitioner submits that, the learned Tribunal misconstrued the law with regard to condonation of delay and misapplied the facts to the case and arrived at a wrong conclusion. He submits that, the learned Tribunal found that there was no explanation for the delay for the period from May 1, 2016 to July 12, 2016 although, there were documents annexed to the application for condonation of delay which establishes that the writ petitioner was hospitalised during such period.

Learned advocate appearing for the State submits that, the State did not raise any objection to the condonation of delay before the learned Tribunal. State is also not raising any contentions with regard to the condonation of delay in the present proceeding also.

Learned advocate appearing for the respondent no. 3 submits that, the documents annexed to the application for condonation of delay remains unsubstantiated. He refers to the averments made in the application for condonation of delay and to the documents annexed thereto and submits that, there are dichotomy in the two.

Petitioner approached the learned Tribunal for condonation of delay of 285 days in filing the original application being OA No. 2047 of 2016 on the ground that, the petitioner was suffering from serious gynecological and hematological ailments and was admitted several times at the Lohia Matri Seva Sadan.

Learned Tribunal considered the application for condonation of delay and found that there was no explanation for the delay during the period May 1, 2016 to July 12, 2016. The application for condonation of delay contains averments with regard to hospitalisation of the petitioner for the

relevant period. The application for condonation of delay contains two documents of the hospital establishing that the petitioner was hospitalised during the relevant period of time.

In such circumstances, we are of the view that the petitioner was able to make out a good case for condonation of delay before the learned Tribunal. Learned Tribunal erred in not taking into consideration the relevant documents while arriving at the finding that there was no explanation of the petitioner for the period from May 1, 2016 to July 12, 2016.

Consequently, we set aside the impugned order dated July 8, 2022 passed by the learned Tribunal. We allow MA 643 of 2016 and direct the learned Tribunal to hear and dispose of OA No. 2047 of 2016 on merits.

WPLRT 179 of 2022 is disposed of accordingly without any order as to costs.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)