

WPLRT 183 of 2022

Sadak Ali Molla @ Chhadak Ali Molla & Anr.
Vs.
The State of West Bengal & Ors.

Mr. Sandip Mondal
... for the petitioners

Mr. Mrinal Kanti Ghosh
... for the respondent nos. 6 to 11

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

The petitioner assails an order dated November 14, 2022 passed by the learned West Bengal Land Reforms and Tenancy Tribunal. By the impugned order, the learned Tribunal rejected an application for condonation of delay on the ground that sufficient explanation was not afforded for the purpose of condoning the delay of 50 days.

Learned advocate appearing for the writ petitioners submits that, the petitioner entrusted the matter of filing to a clerk of an advocate. Such clerk, however, was politically inclined and spend his time in the then parliamentary election and, therefore, did not take requisite steps in filing the original application due to which the delay occasioned.

State and the private respondents are represented.

Learned advocate for the private respondents submits that, the petitioner was unable to explain the cause of delay in the application for condonation of delay. Consequently, the learned Tribunal rightly rejected the prayer for condonation of delay.

Petitioner applied for condonation of delay of 16 days before the learned Tribunal. Learned Tribunal find a delay of 50 days. However, the learned Tribunal proceeded to hold that, the petitioner was unable to explain the delay adequately.

We peruse the application for condonation of delay. There is an averment in such application that, the matter was entrusted to a clerk for the purpose of filing the original application and that such clerk occasioned such delay due to his pre-occupation of the parliamentary election.

Condonation of delay applications are required to be adjudicated leniently. It is not required that each and every day's delay by way of time. What is required a plausible explanation is advanced for the delay occasioned.

In the facts of the present case, there is an

explanation for the delay in not filing the original application within time. The delay is attributed to a clerk of an advocate. We find no material on record to substantiate such claim of the petitioner that the clerk of an advocate was entrusted with the filing and that such clerk was busy with the parliamentary election occasioned the delay is established. Consequently, we condone the delay in filing OA No. 1954 of 2019 and allow MA 906 of 2019.

The impugned order is set aside.

Learned Tribunal is requested to hear and dispose of OA No. 1954 of 2019 on merits.

WPLRT 183 of 2022 is disposed of accordingly without any order as to costs.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)