

02.07.2024
Item No.22
Court No.11
Avijit Mitra

WPLRT 3 of 2024

In re: An application under Article 226 of the Constitution of India;

And

Swapan Kumar Mondal

- versus -

The State of West Bengal & ors.

Mr. Kashiswar Ghosal,
... for the petitioner

Mr. Susanta Pal,
Mr. Abir Debnath,
Mr. P. Bose

...for the respondent no.5

Mr. Apurba Ghosh
...for the respondent no. 6 & 7

Affidavit-of-service filed by the petitioner be kept on record.

Seeking rectification of record of rights of the land forming the subject matter of the present proceeding, the petitioner presented a petition before the prescribed authority. By an order dated 24th February, 2022, the prescribed authority rejected the petition but without availing of the statutory remedy, the petitioner directly approached the learned Tribunal below with an original application being O.A. 2888 of 2022 (LRTT) to challenge the order of rejection. Consequently, the learned Tribunal below declined to entertain the original application. Aggrieved thereby, the petitioner has preferred this present writ petition.

Heard the learned advocates appearing for the respective parties and considered the materials on record.

Indisputably, the period commencing from 15th March, 2020 to 28th February, 2022 was excluded from the prescribed period of limitation in respect of all sorts of litigation by the Hon'ble Supreme Court in a *suo moto* proceeding due to Covid-19 pandemic.

The order passed by the prescribed authority was intervened by the period affected by the Covid-19 pandemic.

In such conspectus and upon considering the period lost due to pendency of the original application, we dispose of the writ petition granting liberty to the petitioner to prefer the statutory appeal against the decision of the prescribed authority within three weeks from date. If the appeal is preferred within this timeframe, the appellate authority shall decide the same on merits upon giving an opportunity of hearing to the interested parties and pass a reasoned order preferably within a period of three months from the date of presentation of the appeal.

It is made clear that we have not gone into the merits of the petitioner's claim and all points are left open to be considered by the appellate authority.

With the above observations and directions, the writ petition is disposed of.

There shall, however, be no order as to costs.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Partha Sarathi Chatterjee,J.) (Tapabrata Chakraborty, J.)