

30.07.2024
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WPLRT 57 of 2024
Nilima Roy & Others
– *Versus* –
The State of West Bengal & Others

Mr. Sujit Kumar Rath,
Mr. Sukumar Sarkar,
Mr. Anirban Saha
... for the Petitioners.
Mr. T. M. Siddiqui,
Mr. Supratim Dhar
... for the State/Respondents.

The present writ petition has been preferred primarily praying for expeditious disposal of the original application (in short, OA), being OA 238 of 2024.

Records reveal that the petitioners filed an application, being Misc. Case no. 633 of 2023 before the respondent no.5 *inter alia* praying for implementation of an order passed in E. A. Appeal nos.1 and 2 of 1969. As the said miscellaneous case was not disposed of by the concerned authority, the petitioners were constrained to approach the learned Tribunal by filing the OA 28 of 2024. On the other hand, the State had preferred OA 2934 of 2023 assailing the order passed by the appellate authority under Section 44(3) of the West Bengal Estate Acquisition Act, 1953 along with an application for condonation of delay being MA 1278 of 2023.

Mr. Rath, learned advocate appearing for the petitioners submits that the OA 238 of 2024 was last heard on 7th March, 2024 and the next date of hearing has been fixed about nine months later on 9th December, 2024. In view thereof, there is no possibility towards

disposal of the OA 238 of 2024 in the near future and in the said conspectus, necessary direction needs to be issued for speedy disposal of the OA. Let the supplementary affidavit filed by the petitioners bringing on record the OA 2934 of 2023, be kept on record.

Such contention has, however, been disputed by Mr. Dhar, learned advocate appearing for the State/respondents. However, he submits that necessary directions may be sought for from the learned Tribunal for analogous hearing of the OA 238 of 2024 and the OA 2934 of 2023 along with the application being MA 1278 of 2023.

In view thereof, the writ petition is disposed of with liberty to the petitioners to file an application before the appropriate Bench of the learned Tribunal with a prayer for preponement and analogous hearing of the OA 238 of 2024 and the OA 2934 of 2023 along with the application being MA 1278 of 2023.

With the above observations and directions, the writ petition, being WPLRT 57 of 2024 is disposed of.

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

Urgent photostat certified copy of this order, if applied for, be supplied to the parties, upon compliance of all requisite formalities.

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