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20.09.2024
Ct. No. 11
rrc

WPLRT 68 of 2024
(Octagon Plazza Private Limited & Anr. Vs. The State of
West Bengal & Ors.)

Mr. Saptansu Basu, Sr. Adv.
Mr. Sandip Kr. De
Mr. Shayak Mitra
Mr Abhijit Sarkar

.... For the petitioners

Md. T. M. Siddiqui, Ld. AGP
Mr. Soumitra Bandyopadhyay
Mr. S. Dhar
Mr. P. Batabyal
Mr. S. Adak

..... For the State respondents

Mr. Arun Pahari
Mr. Arkadyuti Pahari
Ms. Gargi Maity

..... For the private respondents

Ms. Tanushree Dasgupta

..... For the K.M.C.

The present writ petition has been instituted seeking a directive to the learned Tribunal to expedite the disposal of the Original Application (in short, OA), being OA 762 of 2024.

Mr. Basu, the learned senior advocate representing the petitioners, submits that in order to resolve the issue raised in the OA, petitioners have been languishing for years in various judicial forums. He laments that the petitioners are trapped in a purgatorial rigmarole, moving back and forth between the learned Tribunal and the High Court, but the matter has not been finally decided till the date.

He further submits that, lastly, challenging the order passed by the Controller of Kolkata Thika Tenancy, petitioner no. 2 approached the learned Tribunal with this OA, which was heard on April 26, 2024. However, the next hearing date for that OA has been scheduled for about ten months later, on February 24, 2025. He therefore prays for a direction to the learned Tribunal to dispose of the OA as expeditiously as possible.

Mr. Pahari, the learned advocate appearing for the private respondents, vehemently opposes the contentions raised by Mr. Basu. He submits that this Court intervened in the dispute on an earlier occasion, and a Bench presided over by one of us (Tapabrata Chakraborty, J.) had already directed the learned Tribunal to dispose of the earlier OA expeditiously. However, he submits that the present dispute has led to the institution of a civil suit, and that the petitioners have suppressed this fact before the learned Tribunal. He argues that in this context the order, as prayed for by the petitioner no. 2, cannot be passed.

Answering our query, Mr. Siddiqui, learned Additional Government Pleader representing the State respondents, submits that the State shall produce the Lower Court Records (in short, LCR) and the State shall submit their affidavit-in-opposition to the OA on the date fixed by the learned Tribunal.

Having regard to the submissions made on behalf of the respective parties, we direct the State respondents and the other private respondents to submit their affidavits-in-opposition within two weeks after the ensuing Puja Vacation. Reply, if any, thereto be filed within one week thereafter. As submitted by the State respondents, the LCR shall be produced

before the learned Tribunal on the returnable date, i.e., February 24, 2025. The learned Tribunal shall make a sincere endeavor to dispose of the OA on that date or as expeditiously as possible, preferably within eight weeks thereafter.

With the above observations and directions, the writ petition being WPLRT 68 of 2024 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.)