

25.09.2024
Sl. No.28
Ct.3/ tkm

W.P.A. 12791 of 2023
(Ratna Saha & Ors. vs. State of West Bengal & Ors.)

Dr. Siddhartha Goswami
Mr. Vaskar Saha
... .. for the petitioners

Mr. Amal Kr. Sen
Mr. Lal Mohan Basu
... .. for the State

1. Learned counsel for the petitioner has preferred the present writ petition seeking direction upon the learned Rent Controller for passing an order allowing the petitioner to deposit his arrears of rent.
2. It is stated by the learned counsel for the petitioner that a dispute is pending between the parties since 2014 and from 2014 till 2023 he has been making endeavor to deposit the rent.
3. Learned counsel for the petitioner has not been able to impress upon this court in showing that any genuine endeavor was made by him to deposit the arrears of rent for the period from 2014 to 2023. He has merely drawn the attention of this Court to a letter dated 18.05.2023 written by the petitioner to the learned Rent Controller seeking his permission to deposit the arrears of rent in connection with H.R.C No. 210/2012. No document has been placed on record which explains the details of H.R.C No. 210/2012. Learned counsel for the petitioner failed to show from record the name of the parties/the property

involved in H.R.C No. 210/2012. Perusal of the said letter dated 18.05.2023 shows that it doesn't bear any seal or stamp of the Rent Controller. There is no document placed on record to show that the said letter dated 18.05.2023 is even part of the record of the rent controller. Simply placing on record a letter with postal receipt will not be sufficient for the petitioner to prove the genuine efforts made by him to make the payment towards arrears of rent for such a long period.

4. It is apparent that the matter has been pending before the learned Rent Controller for more than a decade and the petitioner has chosen to sleep over his rights and has knocked on the door of this court at a belated stage. Since there is an unexplained inordinate delay on the part of the petitioner in approaching this court, this court is not inclined to invoke its discretionary power to entertain this petition at such belated stage.
5. The present writ Petition is dismissed, no order as to costs.

(Gaurang Kanth, J.)