

29.08.2024
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WPLRT 114 of 2024
Maya Mukherjee & Others
– *Versus* –
The State of West Bengal & Others

Mr. Sambuddha Dutta,
Mr. Rahul Kumar Singh
... for the Petitioners.
Mr. S. Bandyopadhyay,
Mr. Srinath Singha Roy
... for the State/Respondents.

Mr. Dutta, learned advocate appearing for the petitioners submits that the petitioners initially filed a representation before the concerned Block Land & Land Reforms Officer (in short, BL&LRO) for correction of the record of rights. The said representation was, however, not considered and as such, the petitioners filed an original application (in short, OA), being OA 2337 of 2007 which was disposed of by the learned Tribunal on 18th January, 2012 with a direction upon the concerned BL&LRO to dispose of the petitioners' representation within a period of six months. Pursuant to such order, the concerned BL&LRO passed an order on 27th August, 2013. Aggrieved by the said order, the petitioners filed another OA, being OA 214 of 2015 along with an application for condonation of delay, being MA 59 of 2015. By an order dated 16th January, 2020, the said MA application was allowed and the delay was condoned. The OA, accordingly, was admitted and fixed for hearing on 19th August, 2020.

He submits that on repeated occasions thereafter the matter was adjourned and ultimately by an order dated 28th February, 2024 the matter was directed to be fixed on 15th May, 2024 under the heading '*Hearing*' on the point of maintainability of the OA. Again on 25th May, 2024 the matter was adjourned due to paucity of time of the learned Tribunal and fixed on 4th December, 2024.

Mr. Dutta argues that as the application for condonation of delay has been allowed and the OA was admitted by the order dated 16th January, 2020, the point of maintainability, as urged, by the respondents does not survive and the learned Tribunal also ought not to have reopened the point of maintainability. In support of such contention reliance has been placed upon an order passed by a co-ordinate Bench of this Court in the case of *Jiban Krishna Roy Vs. State of West Bengal and Others*, reported in 2021 SCC Online Cal 4162.

He submits that the petitioner no.1 is a septuagenarian lady and is languishing before the Tribunal since the year 2015. In the said conspectus, necessary direction needs to be issued for preponement and expeditious disposal of the OA on merits.

The learned advocate appearing for the State respondents, however, submits that the delay is not totally attributable to the State respondents and on several occasions the petitioners have prayed for adjournment.

We have heard the learned advocates appearing for the respective parties and considered the materials on record.

It is explicit from the records that the point of maintainability of the OA has not yet been finally decided by the learned Tribunal and as such, prior thereto, the petitioners cannot pray for a direction upon the learned Tribunal for hearing of the OA on merits.

The next date of hearing has, however, been fixed by the learned Tribunal on 4th December, 2024 and considering the fact that the petitioner no.1 is a septuagenarian lady and as the matter is pending since the year 2015, we would request the learned Tribunal to make a sincere endeavour to decide the point of maintainability and dispose of the OA on the returnable date or preferably within a period of six weeks thereafter, without granting any unnecessary adjournment to either of the parties.

The writ petition, being WPLRT 114 of 2024, is, accordingly, 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.)