

23.09.2024
Item No.09
Court No.11
Avijit Mitra

WPLRT 133 of 2024

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

Mahmuda Bibi & anr.
- versus -
State of West Bengal & Ors.

Mr. Lutful Hoque,
Mr. Gazi Faruque Hossain,
Ms. Varsha Roy,
Mr. Taharima Khatun
...for the petitioners

Mr. Soumitra Bandyopadhyay,
Mr. Priyabrata Batabyal
...for the respondents

Mr. Asim Hati,
Ms. Nandini Sharma,
Mr. Antariksha Karmakar
...for the respondent nos. 4 to 6

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

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 1633 of 2024.

Mr. Hoque, learned advocate appearing for the petitioners, submits that certain plots of land were inherited by the petitioners. He contends that the petitioners applied for the correction of the record of rights, and based on that application, a mutation case *vide* MN/2018/1510/8965 was initiated by the prescribed authority. However, this case was disposed of by an order dated 4th October 2018. Aggrieved by this order, the petitioners filed a statutory appeal before the

District Land and Land Reforms Officer, designated as LR Appeal No. 04/2024. He further submits that there was a delay in submitting the appeal. Accordingly, an application for condonation of delay has also been filed along with the appeal. He alleges that although the appeal was filed in January 2024, no date has been scheduled for its hearing, prompting the petitioners to approach the learned Tribunal with the OA. The learned Tribunal has also scheduled the next hearing date for 11.12.2024. Due to this delay, the petitioners have been compelled to file this writ petition. He prays that a direction be given to the D.L. & L.R.O. to dispose of the application for condonation and the appeal expeditiously.

Mr. Hati, learned advocate appearing for the private respondents, vehemently opposes the petitioners' prayer. He submits that the petitioners have suppressed material facts and that the private respondents should be afforded the opportunity to bring these facts to the Court by filing an affidavit. He further submits that the learned Tribunal should be directed to dispose of the OA without unnecessary delay.

Mr. Bandyopadhyay, learned advocate enters appearance on behalf of the State respondents.

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

Upon considering the materials on record and the submissions made by the parties, we are of the view that no useful purpose will be served by keeping this writ petition and the original application pending.

In view of the above, the writ petition is disposed of by directing the District Land and Land Reforms Officer to

consider the application for condonation of delay. If he finds that the delay in filing the appeal is sufficiently explained, he may condone the delay and proceed to hear the appeal.

The private respondents shall be at liberty to file their opposition to the application for condonation of delay. The D.L. & L.R.O., before deciding whether the delay has been sufficiently explained, shall consider the averments made by the private respondents in their opposition.

This exercise shall be completed within six months from the date of receipt of a copy of this order.

The petitioners are directed to serve copy of this order to the District Land and Land Reforms Officer within a week.

Since the writ petition and the original application have been disposed of without calling for affidavits from the respondents, the allegations made in both the writ petition and the original application shall be deemed not to have been admitted.

The present writ petition is, accordingly, disposed of.

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

Urgent photostat certified copy of this order, if applied for, be given to the learned advocates for the parties.

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