

11
19.12.2024
Ct. No. 11
rrc

WPLRT 163 of 2024
(Mahabar Rahaman & Ors. Vs. The State of
West Bengal & Ors.)

Mr. Tanmoy Chattopadhyay
..... For the petitioners

Sk. Md. Galib, Sr. Adv.
Ms. Priyamvada Singh
..... For the State respondents

Ms. Malabika Roy Dey
.... For the respondent nos. 3 to 6

Mr. Gangadhar Das
Mr. Subhajit Das
..... For the respondent nos. 21(i) to
21(v) & 19(i) to 19(x)

Affidavit-of-service, as filed, be kept on record.

In this writ petition, the petitioners have challenged the order dated 5th September 2024, passed in the Original Application (in short, OA) No. 2078 of 2024 (LRTT), which was later rectified by an order dated 4th October 2024.

Mr. Chattopadhyay, learned advocate representing the petitioners, invites our attention to Ground No. 1 taken in this writ petition. He submits that the OA was filed by suppressing material facts and without effecting service of a copy of the OA upon the present petitioners, despite the fact that they were impleaded as private respondents in the said OA.

He further submits that the impugned order has been obtained from the learned Tribunal by practicing fraud. However, this contention raised by Mr. Chattopadhyay is strongly disputed by Ms. Roy Dey, learned advocate representing the respondent nos. 3 to 6.

Mr. Galib, learned senior Government advocate enters appearance on behalf of the State respondents.

Upon hearing the learned advocates representing the respective parties, we are of the opinion that the petitioners should have raised all these issues before the learned Tribunal by filing an appropriate application. Consequently, we are not inclined to interfere with the impugned order.

However, the petitioners are at liberty to raise and argue these issues before the learned Tribunal by filing an appropriate application.

Accordingly, the writ petition 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.)