

16.05.2025
Item No.03
Court No.11
Avijit Mitra

WPLRT 20 of 2025

**Debasish Dey
- Versus –
State of West Bengal & ors.
with
IA No.CAN 1 of 2025**

Mr. Amal Kumar Saha,
Mr. Iresh Paul
....for the petitioner
Sk. Md. Galib,
Ms. Prayamvada Singh
....for the State
Mr. Anindya Lahiri
Mr. Anish Chakraborty
....for the applicant/respondent no.5

In re : IA No.CAN 1 of 2025

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

This application has been filed seeking clarification of the order dated 26th February, 2025, passed in Writ Petition No. WPLRT 20 of 2025.

Mr. Lahiri, learned senior advocate appearing for the applicant/respondent no. 5, draws our attention to a certain portion of the order and submits that the order refers to Mr. Dey, the petitioner in WPLRT 20 of 2025, as the person interested in the land in question.

He submits that, according to the present applicant, Mr. Dey was not a necessary party to the statutory appeal filed under Section 54 of the Act of 1955 before the Appellate Authority and, as such, was not impleaded as a party to that appeal. He further

contends that if such a reference is allowed to remain in the order, it may prejudice the applicant. Therefore, in his view, the reference warrants clarification, as it may otherwise influence the learned Tribunal while deciding the original application.

Mr. Saha, learned advocate appearing for the petitioner vehemently opposes such submission of Mr. Lahiri.

Heard the learned advocates appearing for the respective parties and considered the materials on record.

Admittedly, Writ Petition No. WPLRT 20 of 2025 was preferred challenging the order passed by the learned Tribunal rejecting the original application, being OA No. 3636 of 2022 (in short, 'OA'), on the ground of delay. While passing the order dated 26th February, 2025, this Court examined whether the rejection of the OA on the ground of delay was justified. Finally, upon concluding that such rejection was unjustified, the order rejecting the OA was set aside, the OA was revived, and a direction was issued to the learned Tribunal to decide the OA on merits. The observations made in the said order were solely for the purpose of disposing of the writ petition.

Needless to observe, the learned Tribunal shall decide the OA without being influenced by that reference to Mr. Dey as the person interested in the land in question in the order dated 26.02.2025 passed in WPLRT 20 of 2025.

With the above observations and directions, the application is 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.)