

05.03.2025
Item No.01
Court No.11
Avijit Mitra

WPLRT 21 of 2025

Smt. Dipali Singha & ors.
- versus -
State of West Bengal & ors.

Mr. Ambu Bindu Chakraborty,
Ms. Mrinmoyee Roy Chowdhury,
...for the petitioners
Mr. T.M. Siddiqui, Sr. Adv.,
Ms. Debdooti Dutta,
Mr. S. Adak
...for the State respondents
Mr. Sankha Ghosh,
Mr. Biswarup Nandy
....for the respondent nos. 4 to 6

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

The present writ petition has been preferred challenging an order dated 24th June, 2025 passed by the learned Tribunal in the original application (hereinafter referred to as OA) being OA 3328 of 2024 (LRTT). By the said order, the learned Tribunal condoned the delay in preferring the OA and called for the records from the respondent no.2 and fixed the matter on 15th September, 2025 upon granting an opportunity to the petitioners herein to file an affidavit-in-opposition to the OA.

Mr. Chakraborty, learned advocate appearing for the petitioners submits that by an order dated 24th January, 2025, the hearing of the original application, has been deferred and fixed about eight months thereafter on 15th

September, 2025. Such delay in fixing a date of hearing is too long in a system where justice is supposed to be swift but deliberate. Without disclosing reasons, the learned Tribunal has also granted an *interim* protection to the original applicants.

Mr. Nandy, learned advocate appearing for the respondent nos. 4 to 6 herein denies the contention of Mr. Chakraborty and submits that the fact that there was a pending partition suit between the parties, was not taken into consideration and the appellate authority sent back the matter on remand for fresh consideration. In the said conspectus, the learned Tribunal passed an interim order and there is no infirmity in the same.

Mr. Siddiqui, learned senior advocate enters appearance on behalf of the State respondents and submits that there is no error in the order impugned.

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

We do not find any infirmity in the order granting an *interim* protection inasmuch as the learned Tribunal called for the records for consideration and the petitioners herein also prayed for leave to file an affidavit-in-opposition to the OA.

It is for the learned Tribunal to regulate its own procedures in respect of the cases on Board for effective

disposal and to ensure that the cases are disposed of within a reasonable period of time.

Whether in the facts and circumstances of the case, any early date of hearing is required to be fixed for expeditious disposal of the OA needs to be considered by the learned Tribunal, at the first instance.

In view thereof, the present writ petition being WPLRT 21 of 2025 is disposed of with liberty to the petitioners to file an application for preponement of the date of hearing of the OA before the learned Tribunal.

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.)