

13.05.2025
Item No.20
Ct. No.26
CHC
(disposed of)

W.P.L.R.T. 49 of 2025

Kalipada Gorai
Vs.
The State of West Bengal & Ors.

Mr. Uttiya Ray, Advocate
...for the petitioner

Mr. Sk Md. Galib, Sr. Govt. Advocate
Mr. Manish Biswas, Advocate
...for the State

Mr. Saugata Mitra, Advocate
Mr. Somenath Ghosh, Advocate
Mr. Nikhil Kr. Gupta, Advocate
Ms. Soma Chakraborty, Advocate
...for the private respondents

1. Affidavit-of-service filed in Court be taken on record.
2. Writ petition is directed against order dated February 14, 2025 passed in M.A. 1232 of 2023 (O.A.2165 of 2022) (LRTT) by the West Bengal Land Reforms and Tenancy Tribunal.
3. By the impugned order, learned Tribunal was pleased to reject the application under Section 5 of the Limitation Act, 1963.
4. Learned advocate appearing for the petitioner submits that, petitioner sought to assail an order dated February 7, 2022 in O.A. 2165 of 2022. He draws the attention of the Court to the fact that, application for certified copy of such order was made on December 20, 2021 as also on April 19, 2022. He refers to the certified copy issued on May 13, 2022

and submits that, essential dates on which, the application for certified copy was made, the date of assessment of the folios, the date for payment of the folios and such details were kept blank. Only the quantum of money required to be paid was assessed. He submits that, the Original Application was filed on July 6, 2022 after receiving certified copy on May 13, 2022.

5. Learned advocate appearing for the petitioner submits that, the Original Application is within time, since, statute permit two months to file the Original Application directed against the order dated February 7, 2022. Since, the application for certified copy was already on record and the certified copy of the order impugned was received on February 13, 2022, there was no delay in making and filing the Original Application before the Tribunal on July 6, 2022.
6. State and the private respondents are represented.
7. Learned advocate appearing for the private respondents submits that, application for condonation of delay does not contain material particulars for condonation of delay. He submits that, day to day explanation is not given. His clients were not added as party respondents in the Original Application.
8. In response to the query of the Court, learned advocate appearing for the private respondents

submits that, he applied for addition of party in the Original Application which was allowed.

9. Application for addition of party of the private respondents was allowed prior to the disposal of the application under Section 5 of the Limitation Act, 1963. One plausible view is that, the Tribunal, considered the condonation of delay and was pleased to arrive at a finding that, there was no delay and therefore, allowed the application for addition of party.
10. Be that as it may and without entering into such arena we assess the application for condonation of delay on its merits.
11. The order impugned in the Original Application is dated February 7, 2022, in the proceeding which resulted in the order dated February 7, 2022. The writ petitioner was participating at the hearing of such proceeding which was concluded much prior to February 7, 2022. Apprehended that, an order would be passed the writ petitioner applied for certified copy thereof on December 20, 2021 after conclusion of hearing of the proceedings. Thereafter, since the petitioner did not receive the certified copy of the order dated February 7, 2022, reapplied for certified copy on April 19, 2022. Petitioner received the certified copy of the impugned order dated February 7, 2022 on May 13, 2022.

12. Photocopy of the certified copy of the order dated February 7, 2022 as made available on record demonstrate that relevant portions of the stamp which processes the application for certified copy are kept in blank. In such circumstances, it is not possible to hold finally that, the petitioner before us did not apply for certified copy of the order dated February 2, 2025 within time or that, there was a delay on the part of the petitioner to approach the Tribunal by way of Original Application on July 6, 2022.
13. In such circumstances, the learned Tribunal erred in dismissing the application for condonation of delay.
14. Order impugned is set aside.
15. Delay in making in filing O.A. 2165 of 2022 stands condoned.
16. Tribunal will proceed to hear and dispose of O.A. 2165 of 2022 on merits.
17. **W.P.L.R.T. 49 of 2025** is **disposed of** without any order as to costs.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)