

D/L.12.
September 26, 2025.
MNS.

CO No. 1344 of 2024

Sri Shankar Ghosh
Vs.
Sri Uttam Ghosh and others

Mr. Sagnik Bhattacharya,
Md. Sahinurzaman

... for the petitioner.

1. The present challenge has been preferred by the preemptor in a proceeding under Section 8 of the West Bengal Land Reforms Act, 1955 (in short “the 1955 Act”).
2. Learned counsel for the petitioner submits that the preemption application was filed during the Covid-19 Pandemic period and, as such, was covered by the several orders passed by the Hon’ble Supreme Court, *inter alia* in the matters of MA 21 of 2022, MA 665 of 2021, Suo Motu Writ Petition (C) 3 of 2020, etc., whereby the Hon’ble Supreme Court extended the limitation period for filing applications and other legal proceedings. Thus, the

preemption application was presented within the statutory limitation period.

3. The learned trial Judge, while considering the same, rejected the application on the ground that there is no provision in the 1955 Act regarding condonation of delay of limitation period in filing a preemption case.
4. The learned trial Judge further observed that the question as to whether the preemption application was time-barred can only be considered after trial as the right of preemption of the petitioner includes the question as to the maintainability of the petition, which can only be adjudicated at the time of final adjudication of the case.
5. This Court does not find any illegality or jurisdictional error in the impugned order.
6. It is well-settled that a preemption application is in the nature of an original proceeding and, as such, Section 5 of the Limitation Act, 1963 is not applicable thereto.
7. However, the petitioner/preemptor has definitely raised a valid question as to

whether the preemption application should be construed to be filed within time, keeping in view the extensions of time for filing all applications granted by the Hon'ble Supreme Court from time to time in respect of the Pandemic period.

8. As rightly observed by the learned Trial Judge, the said question can only be considered at the time of final adjudication of the preemption application.

9. Accordingly, no interference is called for.

10. CO No. 1344 of 2024 is thus disposed of without interfering with the impugned order, but keeping it open for the parties to argue at the time of trial on the question as to whether the preemption application was filed in time, taking into account the Pandemic extensions granted by the several orders of the Hon'ble Supreme Court.

11. There will be no order as to costs.

12. Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)