

Dd 16 13.05.2025

WPLRT/65/2025
PROF. ANADI KUMAR KUNDU
VS
THE STATE OF WEST BENGAL AND ORS.

Mr. Mrinal Kanti Ghosh,
Mr. Aritra Shankar Ray, Advocates
... .. For the Petitioner

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

1. Writ petition is directed against the order dated March 18, 2025 passed in MA 1292 of 2022 (OA No. 2296 of 2022) (LRTT).
2. Learned advocate appearing for the writ petitioner submits that, the writ petitioner explained the delay in making and filing the original application directed against the order dated November 20, 2019 passed by the appellate authority in Appeal Case No. 133 of 2017.
3. Adverting to the merits of the case, learned advocate appearing for the writ petitioner submits that, right, title and interests of the petitioner stood declared by a civil Court as against the State respondent. However, the Record of Rights was sought to be reworked in order to negate the decree passed by the civil Court. It is the appellate authority's order dated November 20, 2019, which the petitioner sought to assail.
4. Learned advocate appearing for the petitioner submits that, certified copy of the order dated November 20, 2019 was applied for on January 27, 2020 and was obtained on January 28, 2020.

Thereafter, COVID-19 intervened. He refers to the order of the Hon'ble Supreme Court where, the period of limitation for the period between March 15, 2020 till November 28, 2022 was waived. He submits that, thereafter, the petitioner suffered various medical complications and due to his ill health and the advanced age, could not make and file the original application till July 20, 2022. He submits that, application under Section 5 of the Limitation Act, 1963 which was registered as MA 1292 of 2022 duly explained the delay. Such explanation was required to be accepted by the learned tribunal. Learned tribunal erred in not doing so.

5. Learned advocate appearing for the State submits that, the writ petitioner did not advance any plausible explanation for the delay of 930 days in approaching the tribunal by way of original application. He points out to the medical certificate annexed to the application under Section 5 of the Limitation Act, 1963 and submits that, the same cannot be accepted.
6. Writ petitioner sought to approach the tribunal by way of OA 1296 of 2022 assailing an order dated November 20, 2019 passed by the appellate authority in Appeal Case No. 133 of 2017.
7. On the basis of the averments made in the application for condonation of delay of the writ petitioner, filed before the tribunal, it appears that, the writ petitioner was aware of Appeal Case No. 133 of 2017 and was participating therein. It also transpires that, the appellant was aware that, the final order of such appeal case would be passed on November 20, 2019.

8. It is contended on behalf of the writ petitioner in the application for condonation of delay, that, although, November 20, 2019 was the date fixed, no order was passed on such date and that, the writ petitioner came to know on November 27, 2020 of the order dated November 20, 2019 and applied for certified copy of such order of such date and received the certified copy on January 28, 2020.
9. Allowing the writ petitioner the liberty of such averments made in the application for condonation of delay and also allowing the writ petitioner, the suspension of the period of limitation between March 15, 2020 till November 28, 2022, then also, the writ petitioner is required to explain his conduct for the period from January 29, 2020 till March 14, 2020 as well as from March 1, 2022 till the date of filing of the original application. He is also required to explain the delay in filing the application for condonation of delay.
10. For such period, writ petitioner relied upon two medical certificates before the learned tribunal. The first medical certificate is dated March 25, 2020, which speaks of the petitioner being under treatment between the period from February 4, 2020 till March 24, 2020. Significantly, March 23, 2020 is a period which falls subsequent to March 15, 2020 which is the onset of the COVID-19.
11. Thereafter, writ petitioner relies upon a medical certificate dated June 30, 2020 to claim that, he was suffering from fever and severe urinary tract infection from the period of March 1, 2022 till June 30, 2022.
12. The original application was filed on July 15, 2022.

13. The second medical certificate, is suspect. The doctor claims to be a female and child disease specialist. The nature of the illness allows an inference which is against the writ petitioner.
14. Learned tribunal, however, accepted the medical certificate dated June 30, 2022 and was of the view that, there is no explanation for the period from June 30, 2022 till July 15, 2022 when the original application was filed and also for the period up to December 12, 2022 when, the application for condonation of delay was filed on December 13, 2022.
15. We find no infirmity in the order of the learned tribunal in arriving at the finding that, there was no explanation for the period from June 30, 2022 till July 15, 2022 as also for the period upto December 12, 2022 when the application for condonation of delay was filed. The application for condonation does not contain any explanation about the same.
16. In view of the discussions above, WPLRT/65/2025 is **dismissed** without any order as to costs.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)