

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

Present:

The Hon'ble Justice Debangsu Basak

And

The Hon'ble Justice Md. Shabbar Rashidi

W.P.L.R.T. 68 of 2025

Sk. Kajaher

vs.

State of West Bengal & Ors.

For the Petitioner

: Mr. Manish Kumar Das
Mr. Kartik Das

For the State

: Mr. T.M. Siddiqui, Ld. Sr. Adv., & A.G.P.,
Ms. Debdooti Dutta

Heard & Judgment on

: May 15, 2025

DEBANGSU BASAK, J.:-

1. Writ petition is directed against an order dated March 7, 2024 passed in O.A. No. 1501 of 2019 (LRTT) (M.A. 649 of 2019) by the West Bengal Land Reforms and Tenancy Tribunal.
2. By the impugned order, learned Tribunal was pleased not to accept the application for condonation of delay filed by the writ petitioner.

3. By the impugned order, learned Tribunal held that 88 days' delay in making and filing the original application was not adequately explained by the writ petitioner and, therefore, proceeded not to allow the application under Section 5 of the Limitation Act, 1963.
4. State is represented.
5. We perused the application under Section 5 of the Limitation Act, 1963 filed by the writ petitioner which was registered as M.A. 649 of 2019 by the learned Tribunal.
6. Writ petitioner approached the Tribunal by way of O.A. 1581 of 2019 assailing an order dated February 7, 2019 passed by the appellate authority under the West Bengal Land Reforms Tribunal Act, 1955.
7. Writ petitioner explained the delay of 88 days in making and filing of the original application by stating that although the order was passed on February 7, 2019, he could not contact any lawyer because of the commencement of Roja and the subsequent Eid. Writ petitioner explained that Eid was performed on June 5, 2019. He was able to contact his advocate who stated that there was two months time to prefer the original application. Moreover, there was a cease work of the advocates at that material point of time relating to an incident of Howrah Court.

8. It is trite law that a Court will consider an application under Section 5 of the Limitation Act, 1963 leniently. Court is not concerned with the quantum of the delay but with the quality of the explanation. Moreover, day-to-day explanation is not required to be given in the sense that in the event the applicant is in a position to explain the delay over a period of time, then the same may be accepted.
9. In the facts and circumstances of the present case, the order sought to be assailed before the Tribunal in the original application is dated February 7, 2019. On receipt of such order, writ petitioner was prevented from filing the original application within the statutory period of limitation of two months on the ground that he was unable to contact his advocate due to the Roza and Eid which ultimately culminated on June 5, 2019. Moreover, there was a cease work of the advocates ongoing at that relevant point of time.
10. Writ petitioner explained that he was able to contact his advocate on June 15, 2019 and the original application was filed on June 28, 2019.
11. In our view, the writ petitioner was able to explain the delay in making and filing the original application before the Tribunal. In the body of the impugned order, learned Tribunal recorded that the learned Tribunal was pleased to accept the explanations given in the application for condonation

of delay. However, learned Tribunal proceeded to reject the application for condonation of delay thereafter.

12. In such circumstances, we set aside the impugned order dated March 7, 2024 and allow M.A. 649 of 2019.

13. We direct the learned Tribunal to hear and dispose of O.A. 1501 of 2019 (LRTT) on merits.

14. W.P.L.R.T. 68 of 2025 is disposed of without any order as to costs.

(Debangsu Basak, J.)

15. I agree

S.D.

(Md. Shabbar Rashidi, J.)