

**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. 89 of 2025

Premamoy Chowdhury

vs.

The State of West Bengal & Ors.

For the Petitioner	:	Mr. Suman Chattopadhyay, Advocate
For the State	:	Md. T. M. Siddiqui, Ld. AGP & Sr. Advocate Ms. Debdooti Dutta, Advocate Mr. Suddhadev Adak, Advocate
For the Respondent Nos. 5 & 6	:	Mr. S. R. Kundu, Advocate Mr. Sudhir Kr. Das, Advocate Mr. Rajyasri Mukhopadhyay, Advocate
Heard on	:	11.06.2025
Judgment on	:	11.06.2025

DEBANGSU BASAK, J.:-

1. Writ petition is directed against an order dated March 12, 2025 passed in M.A. 425 of 2022 (O.A. No.1773/2000) (LRTT) by the West Bengal Land Reforms and Tenancy Tribunal.

2. By the impugned order, learned Tribunal dismissed the application for condonation of delay being M.A. 425 of 2022. Learned Tribunal noted that, the delay was of 1733 days as well as an authority of the Hon'ble Supreme Court reported in **2024 SSC OnLine SC 489 (Union of India and Another versus Jahangir Byramji Jeejeebhoy (D) Through His Lr)**.
3. Learned advocate appearing for the writ petitioner submits that, learned Tribunal erred in dismissing the application for condonation of delay. He submits that, although, the appeal directed against the prescribed authority was filed by the writ petitioner the Original Application directed against the order of the Appellate Authority was not filed by the writ petitioner but by one Subrata Kumar Chowdhury. He submits that writ petitioner was not aware of the final order passed by the Appellate Authority and therefore, the learned Tribunal erred in not condoning the delay.
4. State and some of the private respondents are represented.
5. We perused the application for condonation of delay, filed by the writ petitioner before learned Tribunal. Delay is of 1,733 days.
6. It is trite law that, a Court is concerned with the quality of the explanation rather than quantity of the delay. As has been held in **Jahangir Byramji Jeejeebhoy (Supra)** delay should not be excused as a matter of generosity. Rendering substantial justice is not to cause prejudice to the opposite parties.

7. In the application for condonation of delay, writ petitioner acknowledges that, he preferred an appeal before the Appellate Authority against the order dated May 4, 2015 passed by the prescribed authority under Section 50 in Case no.1229 of 2014. He also states that, he is aware that, Appellate Authority passed its order dated March 8, 2016 in such appeal. Thereafter, writ petitioner goes on to state in his application for condonation of delay that, he authorized one Subrata Kumar Chowdhury to file an Original Application which such person did being O.A. 1798 of 2016 directed against the order passed by the Appellate Authority.
8. It is the contention of the writ petitioner that, Subrata Kumar Chowdhury filed O.A. 1798 of 2016 in his own name rather than the name of the writ petitioner.
9. In the facts and circumstances of the present case, the writ petitioner is aware of the order passed by the prescribed authority. He is also aware of the order passed by the Appellate Authority. He authorized the filing of an appeal by one Subrata Kumar Chowdhury. He is aware of the Original Application filed by Subrata Kumar Chowdhury which is pending before the West Bengal Land Reforms and Tenancy Tribunal. After 1733 days from the date of the order of the Appellate Authority that he seeks to file an Original Application before the learned Tribunal challenging the selfsame order of the Appellate Authority which is under challenge in O.A. 1798 of 2016, through his authorized person, namely, Subrata Kumar Chowdhury.

10. Learned Tribunal rightly noted that, since the writ petitioner was well aware of the proceeding and since he did not file the Original Application within time, he cannot be granted liberty of condonation of delay as prayed for.
11. We find no ground to interfere with the order impugned passed by the learned Tribunal.
12. **WPLRT 89 of 2025** is **dismissed** without any order as to costs.

(Debangsu Basak, J.)

13. I agree.

(Md. Shabbar Rashidi, J.)