

June 20, 2025
Sl. No.19
Court No.19
s.biswas

WPA 12178 of 2025

Md. Asgar Ali Piada

vs.

The State of West Bengal and others

Mr. Sumitava Chakraborty

... for the petitioner

Mr. Gourav Das

Ms. Tuli Sinha

... for the State

Mr. Sabyasachi Chatterjee

Mr. Akashdeep Mukherjee

Mr. S. Nag

... for the respondent nos.7, 8 & 10

1. The affidavit of service as filed today on behalf of the petitioner is taken on record.
2. The writ petitioner, the respondent State and its functionaries and the private respondents are represented by their respective learned counsels. In an earlier round of litigation, a Co-ordinate Bench by its order dated 11.03.2025 while dismissing the writ petition being WPA 1247 of 2024 as withdrawn, granted liberty to the writ petitioner to file an appeal before the Land Reforms and Tenancy Tribunal challenging the correction of record of rights which is the subject of *lis* in WPA 1247 of 2024 within a period of four weeks from date.
3. It is submitted that on account of unavoidable circumstances such appeal could not be preferred within the stipulated period. It is thus submitted by Mr. Chakraborty, learned advocate for the

petitioner that the time limit for filing the appeal may be extended for the ends of justice.

4. Such prayer is opposed by Mr. Chatterjee, learned advocate appearing on behalf of the private respondents. It is submitted that the instant writ petition is not maintainable in its present form inasmuch as this writ court lacks jurisdiction to entertain such type of petition in view of the provisions of the West Bengal Land Reforms and Tenancy Tribunal Act, 1997.
5. It is further submitted that challenging the order dated 11.03.2025 no appeal has been preferred.
6. Mr. Das, learned advocate appearing for the State adopts the argument of Mr. Chatterjee.
7. On perusal of the entire materials as placed before this court and after hearing the learned advocates for the contending parties, this court considers that the writ petitioner is successful in making out a case for obtaining a favourable order inasmuch as it is the specific case of the writ petitioner that on account of fixed time limit as fixed by the Co-ordinate Bench the department of the Land Reforms and Tenancy Tribunal is not accepting the filing of the appeal.
8. In view of such, this court while disposing of the instant writ petition, permits the writ petitioner to prefer the appeal as indicated in the order dated

11.03.2025 in WPA 1247 of 2024 positively within two weeks hence.

9. Before parting with, it is however made clear that while disposing of the instant writ petition, this court has made no observation with regard to maintainability of the appeal as proposed to be preferred. It is further made clear that this court has also made no observation on the point of limitation regarding filing of the proposed appeal.
10. The department of the Land Reforms and Tenancy Tribunal is directed to act on the basis of the server copy of this order.
11. With the aforementioned observation, the instant writ petition is disposed of.
12. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all necessary formalities.

(Partha Sarathi Sen, J.)