

AD -32
Ct No.10
11.08.2025
(SSS)

WPLRT 118 of 2025

Tapan Bej and Anr.
Vs.
The State of West Bengal and Ors.

Mr. Kapil Chandra Sahoo
... for the petitioners.

Mr. Sk. Md. Galib, Ld. Sr. Govt. Adv.,
Mr. Sankar Halder
....for the State respondents.

Mr. Supratim Dhar, Ld. Sr. Adv.
Mr. Dhananjay Nayak
...for the private respondent no.6.

Mr. Gouranga Kumar Das,
Mr. Kartik Das
.....for the respondent nos. 7 & 8.

1. The present challenge has been preferred against the dismissal of an original application filed by the petitioners, challenging the dismissal of the petitioners' vendor's application for implementation of an order passed by the concerned B.L. & L.R.O. directing mutation to be effected in the name of such vendor on the strength of the purchase deed of the vendor.

2. In the meantime, the said order of the B.L. & L.R.O. had been challenged by the private

respondents, successfully, thereby having the order of the B.L. & L.R.O. set aside.

3. The present writ petitioners, according to them, learnt of the said proceeding much subsequently and immediately thereafter, preferred a challenge to the order, whereby the order of the B.L. & L.R.O. had been set aside. The said challenge having been dismissed on the ground of limitation upon dismissal of the condonation of delay application accompanying the same, the present writ petition has been preferred, challenging such order.

4. Learned counsel for the petitioners submits that the petitioners were not aware of the appeal having been preferred by Sukhendu Nayak and others, the private respondents. Immediately upon coming to know of the same, they had preferred the appeal. Importantly, it is submitted that in connection with the self-same proceedings, the appeal filed by Sukhendu Nayak himself, against the order of the B.L. & L.R.O. after lapse of about almost six years was entertained and allowed. To draw parity, it is submitted, the delay of about more than three years occasioned by the petitioners in respect of preferring their challenge should also have been condoned.

5. Learned counsel for the private respondents seriously opposes the application and submits that the writ petitioners had suppressed that they had

made an application for being added as parties to the appeal filed at the behest of Sukhendu Nayak. In fact, the petitioners had been added as parties thereto as long back as in the year 2018 and thereafter, had appeared in the matter having full knowledge thereof at least since the year 2018, whereas the challenge was filed before the Tribunal in 2021 feigning ignorance of their earlier knowledge.

6. A copy of the addition of party application is handed over to us as well as to the learned Advocate appearing for the writ petitioners.

7. Learned counsel for the State, in principle, supports the contention of the private respondents on the merits of the present challenge.

8. Learned counsel for the State, in support of his contention, cites *Rajneesh Kumar & Anr. Vs. Ved Prakash* where the Supreme Court reiterated that over a period of time a tendency on the part of litigants to blame their lawyers of negligence and carelessness in attending proceedings before the court has been growing. Even if it is assumed for a moment that the concerned lawyer was careless or negligent, this, by itself, cannot be a ground, the Supreme Court held, to condone long and inordinate delay as the litigant owes a duty to be vigilant of his own rights and is expected to be equally vigilant about the judicial proceedings pending in the court initiated at his instance. The litigant, it was held,

should not be permitted to throw the entire blame on the head of the advocate and thereby disown him at any time and seek relief.

9. In the present case, although certain aspersions have been cast on the then advocate of the writ petitioners due to the alleged non-appearance of the said advocate in the connected proceedings, the more basic malady in the case sought to be made out by the writ petitioners is the gross suppression of material facts before the Tribunal in their application for condonation of delay, in respect of their having consciously filed an application for addition of party in the appeal filed by the private respondent Sukhendu Nayak, against the verdict of which the challenge was ultimately preferred before the Tribunal.

10. From the order sheet annexed to the writ petition itself, we find that as long back as on April 24, 2018, the writ petitioners were added as parties to the appeal itself on their own application and therefore, had full knowledge of the pendency of the appeal and had also participated therein. From the application for addition of party filed therein, which is handed over to us, we find that the present writ petitioners had also signed the said application, thereby having full knowledge of the pendency of the proceedings and having participated in the said proceedings, whereafter it did not lie in the mouth of

the petitioners to feign ignorance of the appeal and come up with a challenge against the order passed in the appeal after three years. The very premise of the application for condonation of delay was mala fide, inasmuch as the petitioners having full knowledge of the pendency of the appeal at the relevant juncture and having added themselves as parties, could not take the plea that they learnt of the appeal for the first time much later. Thus, although the learned Tribunal attributed the dismissal of the condonation application primarily to the inconsistency and lack of coherence in the case made out by the writ petitioners, we are of the opinion that in view of the additional grounds supplemented by us above, the conclusion of the Tribunal in rejecting the condonation application of the writ petitioners was perfectly justified and need not be interfered with.

11. Accordingly, WPLRT 118 of 2025 is dismissed on contest, thereby affirming the judgment and order dated April 21, 2025 passed by the West Bengal Land Reforms and Tenancy Tribunal in MA 792 of 2021 (OA 2300/2021) LRTT.

12. No order as to costs.

13. Parties shall act on the server copy of this order duly downloaded from the official website of this court.

(Sabyasachi Bhattacharyya, J.)

(Uday Kumar, J.)