

DL-29

14.05.2025
Court No.26
(AD)

WPLRT 148 of 2024
With
IA No.: CAN 1 of 2025

Sri Tapas Bhowmik
Vs.
The State of West Bengal & Ors.

Mr. Satyendra Agarwal, Advocate
Mr. Tarak Nath Sarkar, Advocate
... for the petitioner

Mr. Sk. Md. Galib, Ld. Sr. Govt. Advocate
Mr. Kapil Guha, Advocate
... for the State

Mr. Md. Sarwar Jahan, Advocate
Mr. Sayantan Hazra, Advocate
... for the respondent nos.9 to 11.

1. IA No.:CAN 1 of 2025 is an application seeking recall of the order dated January 20, 2025 by which writ petition was dismissed for default.
2. For the ends of justice, the causes shown in the application are accepted as sufficient.
3. The order of dismissal dated January 20, 2025 is recalled.
4. IA No.:CAN 1 of 2025 is allowed.
5. WPLRT 148 of 2024 is restored to its original file and number.
6. Order impugned is dated January 16, 2024 passed by the West Bengal Land Reforms and Tenancy Tribunal in O.A. 3682 of 2023 (LRTT)
7. Learned Advocate appearing for the petitioner submits that, the original applicant no.1 was dead at the time of filing of O.A. 3682 of 2023.

8. Respondent nos.9 to 11 are represented.
9. Learned Advocate appearing for the respondent nos.9 to 11 submits on the basis of instructions that, the original applicant no.1 before the learned Tribunal, namely, Sekh Anowar Ali, expired on January 19, 2020. In support of such contention, he draws the attention of the Court to a death certificate dated July 20, 2020 issued by the Sub-Registrar (Birth & Dead), Sub-Divisional Hospital, Ghatal.
10. Original applicant no.1 being dead at the time of filing of the original application itself, the impugned order is a nullity. In fact, the original application was instituted in the name of a dead person.
11. In such circumstances, impugned order dated January 16, 2024 is set aside.
12. WPLRT 148 of 2024 is disposed of without any order as to costs.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)