

Form No.J(2)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

Present : The Hon'ble Mr. Justice Sabyasachi Bhattacharyya
&
The Hon'ble Mr. Justice Supratim Bhattacharya

WPLRT 63 of 2022

Smt. Rita Dey
Vs.
The State of West Bengal and Ors.

For the appellant	:	Mr. Sovan Mukherjee, Adv.
For the State	:	Mr. Chandi Charan De, Ld. Addl. Govt. Pleader. Mr. Anirban Sarkar, Adv.
Heard on	:	March 31, 2026.
Judgment on	:	March 31, 2026.

Sabyasachi Bhattacharyya, J.:

1. Affidavit of service filed today be kept on record.
2. The present challenge has been preferred by the petitioner against an order whereby the petitioner's application for

condonation of delay in preferring OA 3379 of 2012 has been dismissed.

3. The matter emanates from a challenge sought to be preferred by the writ petitioner against an order dated October 29, 1997 passed by the Thika Tenancy Controller.
4. Such application, however, was filed before the Tribunal in the year 2012, about 15 years after the passing of the order.
5. In the accompanying condonation application bearing MA 179 of 2013, a photocopy of a certified copy of the impugned order was annexed, which was issued on January 11, 1998.
6. However, in the condonation application, the writ petitioner pleaded that when she went to lodge a General Diary Entry on June 8, 2012, the officer of the local police station handed over such photocopy of the order and the officer allegedly advised the writ petitioner to contact the Thika Controller for vacating the *ex parte* order. The learned Tribunal, in the impugned order, disbelieved such contention of the writ petitioner on the ground that if the police officer handed over such photocopy of the certified copy on June 8, 2012, the same could not have been issued on January 11, 1998, i.e. two years after the alleged date.

7. More importantly, the said statement of the writ petitioner was belied by the fact that notice of the proceeding before the Thika Controller was duly served on the writ petitioner in the eye of law, since the attempted service returned as refused.
8. Although learned counsel for the writ petitioner submits that previously one Bhajan Kumar Ghosh was in possession of the property and the writ petitioner came into the picture much later, such submission, even if true, cannot come to the aid of the writ petitioner, since in the event the writ petitioner was not in possession of the property at the relevant juncture, she could not have any direct knowledge as to whether notice of the Thika Controller proceedings was at all served at the concerned premises or not.
9. Thus, in any event, the long delay of 15 years in preferring a challenge before the Thika Controller remained unexplained.
10. Accordingly, we do not find any infirmity or illegality in the impugned order of the learned Tribunal rejecting the condonation application with cost of Rs.10,000/- to be paid to the welfare fund of the local Bar Association.
11. Hence, WPLRT 63 of 2022 is dismissed on contest, without any order as to costs, thereby affirming the impugned order

dated August 3, 2021 passed in MA 179 of 2013, filed in connection with OA 3379 of 2012 (LRTT).

12. There will be no order as to costs.
13. Urgent certified copies of this judgment, if applied for, be supplied to the parties upon compliance of all requisite formalities.

I agree.

(Sabyasachi Bhattacharyya, J.)

(Supratim Bhattacharya, J.)

AD-30
Ct No.16
31.03.2026
(SSS)