

04 11.8.2021

Ct-16

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WPLRT 2 of 2021

**Giyasuddin Zamadar
Vs.
Block Land and Land Reform Officer & Ors.**

Mr. Sandip Das
... For the Petitioner

Mr. Shyamal Kumar Das
Mr. A.B. Ray
...For the Respondent nos. 4 & 5

Mr. Partha Pratim Ray
Mr. Ayan Banerjee
Ms. Debasree Dhamali
... For the State

In view of the fact that a title suit is pending between the parties in respect of the plots of land for which the private respondent nos. 4 & 5 have applied before the concerned Revenue Officer for correction of the record of rights, the BL&LRO, Diamond Harbour II who is also a party to such suit cannot take any step for correction of the record of rights during the pendency of the civil suit.

The learned Tribunal without affording any opportunity of hearing to the petitioner herein passed an order directing the Block Land & Land Reform Officer, Diamond Harbour-II to consider the representation of the private respondents for correction of record of rights.

From the order impugned it also does not appear that the fact of pendency of the civil suit was brought to the notice of the Tribunal.

It further appears that pendency of the civil suit was deliberately suppressed by the original applicants before the Tribunal.

For the reasons as aforesaid the order dated November 04, 2020 passed by the learned

Tribunal in O.A No. 3035 of 2019 (LRTT) is set aside and quashed.

In view of aforesaid suppression made by the original applicants before the Tribunal for which the petitioner has been compelled to approach this Court, the private respondents are directed to pay costs assessed at Rs.5,000/- to the petitioner within a period of two weeks from date.

WPLRT 2 of 2021 is thus disposed of.

Urgent photostat copy of this order, if applied for, be given to the parties upon compliance of all formalities.

(Hiranmay Bhattacharyya,J.)

(Soumen Sen, J.)

