

1st March,
2021
(AK)
22

W.P.A. 2307 of 2021

Pronobesh Pakhira
Vs.
The State of West Bengal & Ors.

Mr. Lakshminath Bhattacharya
...For the Petitioner.

Mr. Prosenjit Mukherjee
Mr. Arghya Kamal Das
...For the Respondent No.16.

Mr. Chandi Charan De
Mr. Haripada Maity
...For the State.

The petitioner's primary grievance is that the Additional District Sub Registrar is not acting on the communication of the Block Land and Land Reforms Officer, Shyampur-I, Howrah, pursuant to instructions given by the Principal Secretary and Land Reforms Commissioner, Land and Land Reforms and Refugee Relief and Rehabilitation Department, annexed at pages-70 and 71 of the writ petition respectively.

Learned counsel appearing for the private respondent no.16 takes a preliminary objection as regards the maintainability of the writ petition, since an appeal lies in connection with a mutation case before the Land Reforms and Tenancy Tribunal.

Learned counsel appearing for the private respondent nos.13 and 14 hands over a photocopy of the

certified copy of an order of injunction dated January 12, 2021 passed by the Civil Judge, Junior Division, 2nd Court at Uluberia in Title Suit no. 384 of 2020, whereby the present petitioner was apparently restrained from causing disturbance in the peaceful possession of the plaintiff therein, that is, respondent no. 14 and also from changing the nature in character of the suit property.

However, in view of the innocuous nature of the prayer made by the writ petitioner, the injunction order cannot be an impediment to the Additional District Sub Registrar taking action on the complaint made by the Block Land and Land Reforms Officer on March 18, 2020, since it is within the domain of the Additional District Sub Registrar to do so in law.

Accordingly, W.P.A. 2307 of 2021 is disposed of by directing respondent no.8 to decide on the complaint forwarded by the Block Land and Land Reforms Officer, Shyampur-I, Howrah, on March 18, 2020 vide a Memo No. 295/BL (Shy-I)/2020, annexed at page-71 of the writ petition, at the earliest, upon giving appropriate opportunity of hearing/representation to all concerned, as expeditiously as possible, positively within three months from the date of communication of this order to respondent no.8.

There will be no order as to costs.

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

(Sabyasachi Bhattacharyya, J.)