

10.06.2021
Item No.3
Court No.11
KB.

W.P.L.R.T. 6 of 2021

Sri Bivas De
-Vs-
The State of West Bengal & others.

(Via Video Conference)

Mr. Prantick Ghosh

.... For the petitioner.

Mr. Soumitra Bandyopadhyay

Mr. Subhasish Bandyopadhyay

.... For the State.

Mr. Prantick Ghosh, learned Advocate appearing for the applicant submits that he has served the copy of this application upon all the respondents.

In this petition an order dated November 4, 2020 passed by the West Bengal Land Reforms and Tenancy Tribunal has been challenged.

The petitioner was impleaded as party respondent in the application before the learned Tribunal being O.A. No. 3037 of 2019.

Admittedly, before the learned Tribunal the application was moved without serving copy of the application upon the petitioner.

The learned Tribunal disposed of the application giving a direction upon the relevant Block Land & Land Reforms Officer to dispose of a representation made by the

applicant within a specified period of time after giving an opportunity of hearing upon all interested persons.

Mr. Soumitra Bandyopadhyay appearing for the State submits that the order impugned could not cause any prejudice to the petitioner since only an order of consideration of representation has been passed and the relevant authority has been directed to hear all concerned including the petitioner.

We do not endorse the submission advanced on behalf of the State.

Under the relevant rules of the learned Tribunal, an application should be moved only upon service of copies upon all the respondents.

It is elementary requirement that learned Tribunal should decide a case only after giving opportunity of hearing to the parties before it so that they can represent their case before the learned Tribunal.

It is immaterial whether the petitioner has suffered any prejudice because of such ex-parte order impugned before us.

In view of the above, the order of the learned Tribunal is set aside. The application being O.A. No. 3037 Of 2019 is restored to its original file and number.

The learned Tribunal shall dispose of the said application after hearing all concerned including the petitioner before us.

Since affidavits are not invited, allegations made in the writ petition are deemed not to be admitted by the respondents.

All concerned parties shall act in terms of the copy of the order downloaded from the official website of this Court.

This order is passed subject to filing of affidavit of service by next Monday (14.06.2021), failing which this order shall stand vacated.

Urgent photostat certified copy of this application, if applied for, be supplied to the parties on compliance of necessary formalities.

(Kausik Chanda, J.)

(Subrata Talukdar, J.)