

11.08.2021
SL No.10
Court No.16
(gc)

WPLRT 7 of 2021

**Ganesh Chandra Pal & Ors.
Vs.
The State of West Bengal & Ors.**

(Via Video Conference)

Mr. Soumitra Bandyopadhyay,
Mr. Priyabrata Batabyal,
...for the State.
Mr. Siddhartha Banerjee,
...for the Respondent No.6.

None appears for the writ petitioners in spite a notice being served pursuant to our earlier order dated 28th July, 2021.

The challenge in the Original Application before the Tribunal is directed against the notice issued under Section 50/57 of the West Bengal Land Reforms Act, 1955 on the ground that though the notice indicates the Misc. Case number but the year of such Misc. Case has not been indicated. The learned Tribunal by the order impugned dated 28.11.2019 dismissed the Original Application being O.A. 2113 of 2016 (LRTT) upon holding that there is no cogent ground for challenging the notice. The Tribunal, however, directed the Block Land and Land Reforms Officer to dispose of the Misc. Case No.240/2015.

Mr. Soumitra Bandyopadhyay, learned Advocate representing the State could not satisfy us as to how the learned Tribunal could arrive at a finding that the Misc. Case indicated in the said notice pertains to the year 2015.

Mr. Bandyopadhyay submits that one month's time may be given to the State respondents to issue a fresh notice.

In view of the apparent infirmity in the notice, we hold that the notice is a defective one and the same is, accordingly, set aside and quashed. The impugned order dated November 28, 2019 passed by the Tribunal in O.A. 2113 of 2016 (LRTT), accordingly, stands set aside. The setting aside of the said notice shall, however, not prevent the authorities from issuing a fresh notice in accordance with law. The authorities are directed to act accordingly.

We, however, make it clear that the notice is set aside only on the ground that the said notice is defective and we have not gone into the legality or otherwise of the same.

It will be, however, open to the parties to raise any objection against such notice if issued by the respondent authorities before the appropriate forum. It is expected that once a proceeding is initiated by issuance of a notice, the same shall be disposed of expeditiously.

With the aforesaid observation, the writ petition being WPLRT 7 of 2021 stands disposed of.

This order shall be immediately communicated to the writ petitioners by the department concerned within one week from date.

An affidavit-of-service annexing the notice dated August 4, 2021 shall be filed by tomorrow, i.e., 12/08/2021.

All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

(Hiranmay Bhattacharyya, J.)

(Soumen Sen, J.)