

28.07.2021
SL No.7
Court No.16
(gc)

WPLRT 9 of 2021

**Safiuddin Mondal & Anr.
Vs.
The State of West Bengal & Ors.**

(Via Video Conference)

Mr. Subir Kumar Bhattacharyya,
...for the Petitioners.

Mr. Soumitra Bandyopadhyay,
Mr. Subhasis Bandyopadhyay,
...for the State Respondents.

Mr. Atarup Banerjee,
Md. Golam Nure Imrahi,
...for the Respondent No.6.

The writ petitioners in this proceeding have challenged an order passed by the West Bengal Land Reforms and Tenancy Tribunal on 14th January, 2019. The impugned order was passed in an appeal filed by the petitioners against the order of the learned Appellate Authority under Section 54 of WBLR Act in Appeal Case No.84 of 2002.

We have perused the order under challenge. The learned Bench after recording the submissions of the parties disposed of the appeal with the following observation:-

“On perusal of the order of the Ld. Appellate Authority, other materials on record and in consideration of the original argument submitted by all the sides. We do not find any irregularity in the order of the Appellate Authority and DL & LRO. The said order is fully lawful.

In view of the above we uphold the order of the Appellate Authority.”

It is elementary that an Appellate Authority should indicate, however, in brief or precise it may be, the reason for its acceptance or refusal to accept the order under challenge and it must be discernible from a reading of the order. This requirement is more obvious since the order can be challenged in a writ proceeding and judicial of the order is permissible under the law.

In view of the aforesaid, the order impugned is set aside. We direct the learned Land Reforms and Tenancy Tribunal to hear the appeal afresh and dispose of the said appeal by a reasoned order in view of the fact that the matter is pending since 2007. We request the learned Tribunal to dispose of the appeal as expeditiously as possible in the virtual or hybrid mode or physically as the situation may permit.

With the aforesaid observation, the writ petition being WPLRT 9 of 2021 stands disposed of.

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.)