12 11.8.2021 **WPLRT 16 of 2020**

Ct-16

Dilip Mahapatra & Anr.
Vs.
The State of West Bengal & Ors.

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Mr. Krishnendu Banerjee
Md. Idrish
Mr. Sailandra Bayerd
.... For the Petitioners

Mr. Chandi Charan De, Ld. Addl. G.P
Mr. Anirban Sarkar
.... For the State Respondents

Mr. Mrinal Kanti Ghosh
Ms. Ananya Dutta
.... For the Private Respondent nos. 5 to 14

The writ petition is directed against an order passed by the West Bengal Land Reforms and Tenancy Tribunal on 25th September, 2019 in O.A No. 1205 of 2010. The grievance of the petitioners is that by reason of the impugned order dated 25th September, 2019, the right of the petitioners to prefer an appeal against the order passed by the Revenue Officer has been taken away. The Tribunal disposed of the original application by granting liberty to the petitioners to take appropriate steps for getting advantage of the order passed by the Revenue Officer in Misc. Case No. 02 of 2010 under Section 14U of the West Bengal Land Reforms Act. However, during the pendency of the original application before the learned Tribunal, the Revenue Officer decided the matter in favour of the private respondents but taking note of the fact of pendency of a proceeding before the West Bengal Land Reforms and Tenancy Tribunal did not give effect to the said order. There cannot be any doubt that the matter was decided in favour of the private respondents.

It appears from the impugned order that the learned counsel appeared on behalf of the private respondent no. 5 before the Tribunal and contended that if the original applicants take any initiative to get advantage of the provision under Section 14U(3) of the West Bengal Land Reforms Act, 1955 before the authority concerned, the said respondent no. 5 shall contest the matter before that authority.

In view of the fact that the prayer was made only for a direction upon the Revenue Officer to conclude and dispose of the proceeding arising under Section 14U(3) of West Bengal Land Reforms Act and the Tribuanl did not have any occasion to consider the veracity and legality of the order passed by the Revenue Officer, the order of the Revenue Officer was never under challenge in the Tribunal on merits. The operative part of the order passed by the Revenue Officer was "*As a result present petitioners Suprabhat Mahapatra & others must get relief u/s 14U(3) of W.B.L.R Act. However the present petitioner has also filed a petition before the Hon'ble L.R.T.T as such he will not get relief at present.*"

The Tribunal under such circumstances directed the petitioners to take appropriate steps to get advantage of the order passed by the Revenue Officer in Misc. Case no. 2 of 2010 under Section 14U of the W.P.L.R. Act.

The present petitioners, who are the respondents before the Tribunal, have contended that in the event the said order is upheld they would be precluded from challenging the order passed by the Revenue Officer before the learned Tribunal.

On such consideration, we modify the order passed by the Tribunal to the extent by recording the fact that the Revenue Officer has already passed the order during the pendency of O.A No. 1205 of 2010 and hence the relief claimed by the private respondents before the Tribunal stands satisfied.

The last paragraph of the order passed by the Revenue Officer keeping the order in abeyance has now become inconsequential and shall not be operative any further in view of the disposal of the proceeding before the Tribunal.

The parties shall be at liberty to take appropriate steps in accordance with law for enforcement or challenging the said order before the appropriate forum. The period of limitation for such proceeding shall commence from 12th August, 2021.

WPLRT 16 of 2020 is thus disposed of without any order as to costs.

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.)**