

DL. August 25,
10. 2021

Through Video Conference

W.P.L.R.T. 14 of 2021

Asish Kumar Hazra

Vs.

State of West Bengal & ors.

Mr. Pundarikakshya Bhattacharya,
...for the petitioner.

Mr. Chandi Charan De,
Mr. Anirban Sarkar,
...for the State.

Mr. Sharanya Chatterjee,
...for the respondent no. 3.

The writ petitioner is aggrieved by the order dated January 28, 2021 passed by the West Bengal Land Reforms and Tenancy Tribunal in Original Application No. 2651/2015 (LRTT).

The proceeding before the tribunal arose out of an order dated February 25, 2015 passed by the Appellate Authority in Appeal Case No. 111 of 2014. The tribunal, after hearing the parties, remanded the matter to the Appellate Authority and framed three issues along with other relevant factors for re-consideration by the Appellate Authority.

We make it clear that the order of remand shall not be construed to be a limited remand and it should be construed as an open remand not limited to the three issues only in view of the fact that the order passed by the Appellate Authority is an unreasoned one.

The learned advocate appearing on behalf of the writ petitioner prays that an order of injunction is to be passed restraining the private respondent from disturbing the peaceful possession of the subject land by the writ petitioner.

In view of pendency of the writ petition, the Appellate Authority is directed to hear the appeal case de novo and dispose of the same by passing a reasoned order, without being influenced by any of the observations made by the tribunal, within a period of six months from the date of communication of this order along with the order passed by the tribunal on January 28, 2021 by either of the parties.

With the aforesaid direction, the writ petition is disposed of.

There will be no order as to costs.

Photostat certified copy of this order, if applied for, will be made available to the applicant within a week from the date of putting in the requisites.

(Soumen Sen, J.)

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(HiranmayBhattacharyya, J.)