

19.08.2021
SL No.10
Court No.16
(gc)

WPLRT 17 of 2021

**Jogesh Chandra Ray & Anr.
Vs.
State of West Bengal & Ors.**

(Via Video Conference)

Mr. B.P. Mondal,
Mr. Sukanta Mondal,
Ms. Kabita Rani,
...for the Petitioners.
Mr. Chandi Charan De, Ld. A.G.P.,
Mr. Haripada Maity,
....for the State Respondents.

The writ petition is arising out of an order passed by the learned West Bengal Land Reforms and Tenancy Tribunal dated 2nd September, 2019 in connection with an application filed by the writ petitioners under Section 10(2) of the West Bengal Land Reforms and Tenancy Tribunal Act, 1997 for a direction upon the respondent authorities to quash, cancel and set aside the impugned recording in the remarks column under Section 4(4) of the West Bengal Land Reforms Act.

During the course of hearing before the learned Tribunal, the learned Counsel representing the State produced a status report dated 10th April, 2017 which, *prima facie*, shows that the land in question has not been vested in favour of the State. However, it appears from the impugned order that the applicants were directed to make a fresh representation impleading all interested parties as per current land record before the B.L.&L.R.O. for redressal of their grievance. The learned Counsel for the petitioners

submits that although it is recorded in the impugned order that the applicants have prayed for liberty to make a fresh representation but no such prayer was, however, made.

Be that as it may, we are of the opinion that the Tribunal could have disposed of the original application after taking into consideration the status report produced by the Government and if required on production of all other relevant materials in order to adjudicate the issues involved in the original application. We are also of the view that in the facts of the instant case there was no necessity of filing a fresh representation before the B.L.&L.R.O concerned by the petitioners herein as directed by the learned Tribunal in the impugned order.

In view thereof, the impugned order is set aside.

The learned Tribunal is requested to dispose of the Original Application afresh within six months from the date of communication of this order.

It is made clear that the observation made by us in this order shall not influence the Tribunal in deciding the matter afresh.

With the aforesaid observation, the writ petition being WPLRT 17 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.)