

18.08.2021
SL No.9
Court No.16
(gc)

WPLRT 28 of 2021

**Shyamal Kanti Naskar & Ors.
Vs.
The State of West Bengal & Ors.**

(Via Video Conference)

Mr. Biswarup Biswas,
Mr. Nirmalendu Bera,
Mr. Gora Chand Samanta,
...for the Petitioners.

Mr. Chandi Charan De, Ld. A.G.P.,
Mr. Soumitra Bandopadhyay,
Ms. Reshmi Rahaman,
...for the State Respondents.

Mr. Mukteswar Maity,
Mr. P. Rej,
...for the Respondent Nos.6 & 7.

An affidavit of service filed in Court today be kept with the record.

The original applicant filed an application under Section 10 of the West Bengal Land Reforms and Tenancy Tribunal Act, 1997 for correction of Record of Rights. In disposing of the said matter, the learned Tribunal directed the B.L.&L.R.O., Patharpratima, District-South 24 Parganas for hearing and disposal of Annexure-D at page 17 of the Original Application in accordance with law by giving opportunity of hearing to all the persons interested in the said proceeding as expeditiously as possible. Against this order, this writ petition has been preferred.

The learned Counsel for the petitioners submits that in an earlier proceeding, the matter has been settled between

the parties and this cannot be reopened by the B.L.&L.R.O. as per the direction of the learned Tribunal.

However, it has been conceded before us that the original applicant was not a party in the said writ proceeding. In view thereof, the decision in the earlier matter cannot be binding on the original applicant. We feel in this regard the Tribunal was justified in observing that the existence of the earlier order cannot bind the private respondent and the matter has to be considered by the B.L.&L.R.O. in accordance with law.

On such consideration, we do not find any reason to interfere with the order passed by the learned Tribunal. The learned Tribunal has adequately protected the interest of all the persons. However, we extend the time to comply with the order dated 17th February, 2020 by six months from date.

We make it clear that we have not gone into the merits of the matter. All points are left open to be decided by the B.L.&L.R.O in accordance with law.

With the aforesaid observation, the writ petition being WPLRT 28 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.)