

15.11.2021
(S/L-11)
Ct.-18
(Susanta)

(Via Video Conference)

C.O. 1409 of 2021

Madhu Sudhan Bera
-Vs-
Ajit Kumar Roy & Ors.

Mr. Rwitendra Banerjee,
Mr. Sandip Kundu,
... For the Petitioner.

Mr. Jayanta Das,
Ms. Soumita Ghosh,
.... For the Opposite Parties.

The revisional application under Article 227 of the Constitution of India is at the instance of the defendant no. 2 in a suit for declaration of title and is directed against the order dated April 30, 2021 passed by the 1st Court of learned Civil Judge (Junior Division), Paschim Medinipur, in the said suit being Title Suit no. 267 of 2018.

The petitioner in the said suit filed an application claiming that he is the Bargadar in respect of the suit property and prayed that the issue regarding his right of Bargadarship over the suit property may be referred to the authority under Section 21(3) of the West Bengal Land Reforms Act, 1955.

The learned Trial Judge by the order impugned has dismissed the said application holding that in an earlier operation Barga case

the petitioner has failed to establish his such right.

In view of the earlier decision on the self-same issue the learned Trial Judge has rightly refused to refer the said matter to the authority.

The order impugned does not call for any interference.

C.O. 1409 of 2021 is dismissed without any order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)