

16.11.2021
D/L No.18
Court No.4
sp

WPLRT 34 of 2021

Nirmalya Ghosh & Anr.
Vs.
The State of West Bengal & Ors.
(Through Video Conference)

Mr. Balai Lal Sahoo,
Mr. Sankha Prasad Ray

... .. for the petitioners

Mr. Ashim Kumar Ganguly,
Mr. Ayan Banerjee,
Ms. Debasree Dhamali

...for the State respondents

Pursuant to the earlier order passed by this Court, a status report has been filed on behalf of the State. Let the same be kept on record. A copy of the same has been handed over to Mr. Sahoo, learned advocate appearing for the petitioners.

Mr. Sahoo submits that the petitioners are the owners of the land in question. They submitted an application under Section 18(1) of the West Bengal Land Reforms Act, 1955. In the same, a final order was passed on 24th January, 2018. Thereafter, the matter was placed before the respondent no.4, who in turn passed an order on 9th October, 2018 directing the respondent no.3 to terminate the right of cultivation and bargadarship of the private respondent nos. 5 and 6 herein. The said order was not complied with and the petitioners thereafter submitted a representation to the respondent no.3 but the same was not considered. Aggrieved thereby, the petitioners approached the learned Tribunal.

He submits that though the original application was filed way back in the year 2019, the same could not be disposed of due to non-submission of the status report by the State respondents and as a consequence thereof, the petitioners are suffering undue hardship. The bargadarship of the private respondents needs to be immediately terminated.

Mr. Ganguly, learned advocate appearing for the State submits that the issue needs to be relegated to the learned Tribunal for a final decision since the learned Tribunal is the Court of first instance.

Heard the learned advocates appearing for the respective parties and considered the materials on record.

Records reveal that the learned Tribunal has directed the original application to be listed as '*Motion*' on 27th January, 2022. Since the status report on behalf of the State has now been submitted, the original application can be finally decided by the learned Tribunal.

In view thereof, the learned Tribunal is requested to take up the matter for hearing on the date fixed i.e., on 27th January, 2022 and to dispose of the same as expeditiously as possible, preferably within a period of four weeks from the said date, without granting any unnecessary adjournments to the parties.

The State respondents shall produce the status report as filed today, before the learned Tribunal on the date fixed i.e., on 27th January, 2022.

With the aforesaid observations and directions, WPLRT No. 34 of 2021 is disposed of.

There shall be no order as to costs.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties on completion of all necessary formalities.

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J.)