

05.10.2021
Item No.10
Court No.16
Avijit Mitra

W.P.L.R.T. No. 43 of 2021 (through video conference)

In re: An application under Article 226 of the
Constitution of India;
And

In re: Bajlur Rahaman Molla
- Versus -
State of West Bengal & ors.

Mr. Bibek Jyoti Basu,
Mr. S.A. Joynal

For the Petitioner

Mr. Anirban Ray, Ld. Government Pleader,
Mr. T.M. Siddique,
Mr. Nilotpal Chatterjee
For the State respondents

Affidavit of service filed by the petitioner be kept
on record.

The petitioner has challenged the order dated
April 5, 2021 passed by the learned 4th Bench of West
Bengal Land Reforms and Tenancy Tribunal in Original
Application No.3053 of 2017 (LRTT) (M.A. No. 519 of
2020). By the order impugned M.A. No.519 of 2020 was
dismissed.

Mr. Basu, learned senior advocate appearing for
the petitioner submits that the petitioner prayed for
correction of record of rights in respect of the plots
which the concerned authorities has conclusively
determined to be his retained property. He further
submits that the State respondents have illegally

granted *patta* in respect of his retained properties. In the record of rights the names of the patta holders were recorded and for deletion of the names of the patta holders from the record of rights, the petitioner applied for correction of the record of rights before the respondent no.4. Since the said respondent authority was sitting tight over the said application, the petitioner approached the learned Tribunal by filing an original application being O.A. no.3053 of 2017.

When the matter was taken up for hearing by the learned Tribunal on March 16, 2020 a prayer was made by the petitioner for withdrawal of the original application with liberty to file a fresh application before the concerned authority. The learned Tribunal by an order dated March 16, 2020, allowed such prayer for withdrawal of the application and granted liberty to the petitioner herein to file a fresh application before the concerned authority within a time limit specified in such order.

The petitioner filed an application being M.A. No.519 of 2020 praying for recalling of the order dated March 16, 2020. Learned Tribunal by the order impugned dismissed the miscellaneous application on the ground that since the learned Tribunal passed the order dated March 16, 2020 for withdrawal of the application on the prayer of the petitioner, the order cannot be recalled.

We have heard Mr. Basu, learned senior advocate appearing for the petitioner and Mr. Siddique, learned advocate appearing for the State respondents. After hearing the learned advocates for the parties and considering the materials on record, we are of the view that the order dated April 05, 2021 does not suffer from any infirmity warranting interference under Article 226 of the Constitution of India. However, since liberty was granted to the petitioner to file a fresh application before the concerned authority and such time has in the meantime expired, Mr. Basu prays for extension of time for filing such application before the concerned authority. Mr. Basu submits that the respondent no.4 is the appropriate concerned authority. Accordingly, the time to file a fresh application before the respondent no.4 being the Block Land and Land Reforms Officer, Jibantala, Canning-II, P.S. Jibantala, District-24 Parganas (South) is extended till the end of November, 2021. If such application is filed within the time limit mentioned above, the respondent no.4 is directed to consider such application upon giving an opportunity of hearing to the interested parties including the petitioner and to dispose of the same by passing a reasoned order, in accordance with law as expeditiously as possible but positively within a period of twelve weeks from the date of filing such application by the petitioner.

With the above directions W.P.L.R.T. No.43 of 2021 is disposed of.

There shall however be no order as to costs.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Hiranmay Bhattacharyya,J.) Tapabrata Chakraborty, J.)