

WPLRT 58 of 2021
(Through Video Conference)

Sri Paresh Chandra Maji & Ors.
VS.
The State of West Bengal & Ors.

Mr. Nirmalendu Ganguly
.....For the petitioners

Mr. T. M. Siddiqui
Mr. N. Chatterjee
.....For the State

The present writ petition is filed assailing the order dated 22nd September, 2021 passed by the 4th Bench of the West Bengal Land Reforms and Tenancy Tribunal in O.A. 2026 of 2020.

The Tribunal dismissed the said application solely on the ground that the said application is founded on an assertion that despite an application is being made for supply of the copy of the L.R. Record of Rights, no action has been taken by the authority and the said application has been kept in suspended animation for all time to come.

By the impugned order, the Tribunal dismissed the said application solely on the basis of the submission advanced by the Counsel representing the State that all the relevant information was supplied to the petitioners in reply to an application filed under the Right to Information Act and, therefore, further supply of the copy of the Record of Rights cannot be entertained.

Our attention is drawn to the reliefs claimed in the tribunal application wherefrom we find that apart from the order of supplying the relevant records, the order of vesting was also challenged and, therefore, it was incumbent on the part of the Bench of the Tribunal to decide the matter on merit, rather to embark a journey on the basis of the submissions made by the Counsel representing the State. If multiple reliefs are claimed in the application, the Tribunal or the Court is required to deal with the matter in order to ascertain whether such relief can be granted to the applicant or not. The decision based simplicitor on one of such reliefs cannot be encouraged as it forecloses the rights of the applicant to agitate the undecided reliefs in a subsequent proceeding.

We, therefore, cannot accept the manner in which the Tribunal has dismissed the application.

The order impugned is, thus set aside.

The Tribunal is directed to reconsider the application on merit after affording an opportunity of hearing to all the parties and shall dispose of the same by recording proper reasons on all the reliefs claimed therein within two months from the date of communication of this order in accordance with law.

For abundant caution, it is made clear that we had no occasion to go into the merit of the application of the petitioners and, therefore, any observation made hereinabove, shall not have any persuasive effect on the

Tribunal who will decide the matter independently in accordance with law.

The writ petition is, thus, disposed of.

There shall, however, be no order as to costs.

All parties shall act upon the server copy of this order duly downloaded from the official website of this Court.

(Harish Tandon, J.)

(Rabindranath Samanta, J.)