

17.12.2021

WPLRT 66 of 2021

Court : 04
Item : 45
Matter : WPLRT
Status : DISMISSED
Transcriber: nandy

Gokul Bera
Vs.
The State of West Bengal & Ors.

Mr. M.A. Samad, Advocate
Ms. Nayaab Molla, Advocate

.....for the Petitioner

Mr. Chandi Charan De, Advocate
Mr. T.M. Siddiqui, Advocate
Mr. N. Chatterjee, Advocate

.....for the State

The instant writ-petition has been taken out for a direction upon the Tribunal to pass an immediate order of demolition of the construction undertaken by the private respondents in gross violation of the provisions of the West Bengal Land Reforms Act, 1955. The Tribunal was approached alleging inaction on the part of the competent authority in not addressing such point raised in the tribunal application filed by the petitioner.

It appears from the order recorded in the said tribunal application that service upon the respondent no. 8 could not be effected. Since the matter relates to Bench-II of the Tribunal, the Principal Bench after noticing such non-service, relegated the matter to the said Bench as the service of the copy of the application and notice is a vital and important facet of dispensation of justice. In an adversarial litigation the Tribunal or the Court should be slow and circumspect in passing an *ex parte* order without satisfying itself that the service has been effected upon the respondents. Even a person should not be penalized

or suffer the adverse order without getting an opportunity to contest the same.

The learned Advocate for the petitioner has attempted to get away with the same and filed the instant writ-petition seeking a blessing of this Court to fix a timeline within which the entire proceeding, pending before the Tribunal, should be disposed of.

Since the service has not been effected upon the respondent no. 8, we do not find that it would be proper and appropriate to pass any direction upon the Tribunal to proceed with the tribunal application ignoring the non-service upon the respondent no. 8 against whom serious allegation has been made in the tribunal application.

The writ-petition being **WPLRT 66 of 2021** is thus **dismissed**. No order as to costs.

(Harish Tandon, J.)

(Rabindranath Samanta, J.)

