

24.3.2021**gd/ssd**

WPLRT 41 of 2020
(Through Video Conference)
Biswanath Majhi
Vs.

The State of West Bengal & Ors.
Mr. Dipankar Pal,
Ms. Juin Dutta Chakraborty and
Ms. Kakali Naskar, Advocates present in court
..for the Petitioner

M/s Chandi Charan De,
Additional Government Pleader with
Somenath Mukhopadhyay,
Advocate present in court
..for the State

Mr. Tanmoy Chowdhury, Advocate
..for the Respondent No.5 present in court
The present writ petition has been filed challenging

the order dated December 07, 2020 passed by the West Bengal Land Reforms and Tenancy Tribunal (for short 'the Tribunal') in O.A. No.1659 of 2020, whereby the prayer for interim stay was rejected.

The learned counsel for the petitioner submitted that the petitioner is a Bargadar in respect of the land situated at Mouza-Guradhar, J.L. No.83, Khatian No.516, Dag Nos.1495, 1516, 1525, 1538. The owner thereof had agreed to sell the aforesaid land to the petitioner. Part of the consideration money was also paid. However, instead of getting the sale deed registered in favour of the petitioner, she sold the land to the respondent No.5.

Civil suit was filed by the petitioner challenging the sale deed, which is still pending.

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An order has been passed in execution thereof and vide order dated November 26, 2020, the petitioner was directed to be evicted.

Challenging the main order dated November 22, 2016 the appeal is pending before the Tribunal.

In case the petitioner will be evicted from the land in his possession even without consideration of his application for interim stay, the appeal itself will be rendered infructuous. The next date of hearing in the stay application is stated to be April 23, 2021.

After hearing the learned counsel for the petitioner and considering the aforesaid facts, it is directed that till April 23, 2021 the petitioner shall not be evicted from the land in his possession. As the respondent No.5 who is seeking eviction of the petitioner, is represented before this Court, the Tribunal shall hear and decide the prayer for interim stay made by the petitioner before the Tribunal on April 23, 2021 and dispose of the same.

The writ petition is disposed of accordingly.

(Rajesh Bindal, J.)

(Aniruddha Roy, J.)

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