

24.03.2022

WPLRT 6 of 2022

Court : 04
Item : PB-33
Matter : WPLRT
Status : DO
Transcriber: nandy

Suvra Gupta & Ors.

Vs.

The State of West Bengal & Ors.

Mr. Arindam Banerjee, Advocate

Mr. Animesh Paul, Advocate

.....for the Petitioner

Mr. T.M. Siddiqui, Advocate

.....for the State

It appears from the impugned order that the Tribunal usurped the power of the original authority and decided the issues raised therein treating itself to an original authority. The Tribunal was approached for a direction upon the ADM & DL&LRO to dispose of the proceeding initiated under Section 44(2A) of the West Bengal Estate Acquisition Act for correction of the entries made in the record of rights. The said authority though directed the physical verification and inspection but did not proceed to dispose of the proceeding after the report is filed. Such being the grievance, approach was made before Tribunal which should not have usurped the power of the said authority and decide the veracity, genuinity and legality of the claims of the petitioner and drawing a presumption of the correctness rendering the said proceeding so pending, otiose and/or redundant.

We, therefore, cannot accept the manner in which the impugned order is passed and the

tribunal application is disposed of. The order impugned is thus **set aside**.

As a consequence thereof, the OA 1663 2017 stands allowed directing the respondent no. 3 to dispose of the proceeding being Miscellaneous Case No. 4368 of 2014 within four months from the date of communication of this order in accordance with law.

With these observations, the writ-petition being **WPLRT 6 of 2022** is **disposed of**. No order as to costs.

(Harish Tandon, J.)

(Rabindranath Samanta, J.)

