

08. 26.07.2022
Ct. No.06
Tanmoy

F.M.A. 586 of 2021

**Ansar Ali Mondal @ Ansar Mondal & Anr.
-Versus-
The State of West Bengal & Ors.**

**With
IA No: C.A.N. 1 of 2021**

Mr. B.P. Banerjee, Adv.,
Mr. Aniket Mitra, Adv.,
Mr. Parashar Baidya, Adv.

...for the appellants.

Mr. Chandi Charan De, Ld. A.G.P.,
Ms. Reshmi Rahaman, Adv.,
Mr. Anirban Sarkar, Adv.

...for the State.

Affidavit of service filed in Court today be kept with the records.

By consent of the parties, the appeal and the connected application are taken up together for hearing.

This appeal is directed against an order dated December 11, 2020, whereby W.P.A. 10167 of 2020 that was filed by the present appellants was dismissed on the ground of lack of jurisdiction.

The appellants approached the learned Single Judge contending that certain lands belonging to their ancestors were wrongly transferred and mutated in the names of third parties. They asked the respondent Authorities to make available copies of relevant documents in that

regard. They made a representation dated September 22, 2020 to the Additional District Magistrate and District Land and Land Reforms Officer (in short, 'ADM' and 'DL&LRO'), North 24-Parganas, the Sub-Divisional Land and Land Reforms Officer (in short, 'SDL&LRO'), Barrackpore and the Block Land and Land Reforms Officer (in short, 'BL&LRO'), Barrackpore-II, requesting for such documents. Their grievance before the learned Single Judge was that their representation was not responded to in any manner.

It appears that the learned Single Judge was not properly assisted as His Lordship proceeded on the basis that the writ petitioners had filed the writ petition challenging the actions of the Land Reforms Authorities under Section 50 of the West Bengal Land Reforms Act, 1955, mutating the name of a third party in respect of the concerned plots of land. His Lordship held that in view of the provisions of Section 2(r) of the West Bengal Land Reforms and Tenancy Tribunal Act, 1997, he had no jurisdiction to entertain the writ petition and the remedy of the writ petitioners was to approach the Tenancy Tribunal. Being aggrieved the writ petitioners are before us by way of this appeal.

It is submitted on behalf of the appellants that all they want is consideration of their representation dated September 22, 2020, copy whereof is at page 63 of the stay application (Annexure – 'P4').

We find the prayer to be reasonable and innocuous. The State also does not seriously oppose such prayer.

We accordingly direct the respondent no.2 being the ADM and DL&LRO, North 24-Parganas, to consider the appellants' representation dated September 22, 2020, and take appropriate action on the basis thereof. In the event the respondent no.2 does not accede to the request of the appellants made in the said representation, cogent reasons must be recorded therefor. The representation must be disposed of within four (4) weeks from the date of communication of this order. If the respondent no.2 deems it necessary, he will give an opportunity of hearing to the appellants/writ petitioners.

We have not gone into the merits of the case. The respondent no.2 shall take appropriate decision and action, in accordance with law, as indicated above.

Since we have not called for affidavits, the allegations in the stay petition shall be deemed not to have been admitted by the respondents.

The appeal being F.M.A. 586 of 2021 and the connected application being IA No: C.A.N. 1 of 2021 are disposed of.

Let urgent Photostat certified copies of this order, if applied for, be made available to the parties upon compliance with all necessary formalities.

(Rai Chattopadhyay, J.)

(Arijit Banerjee, J.)