

29.03.2022

WPLRT 14 of 2022

Court : 04
Item : PB-15
Matter : WPLRT
Status : DO
Transcriber: nandy

Kamaluddin Laskar & Ors.

Vs.

Sabirullah Laskar & Ors.

Mr. Balailal Sahoo, Advocate

Mr. Sankha Prasad Roy, Advocate

.....for the Petitioners

Mr. Md. T.M. Siddiqui, Advocate

Mr. N. Chatterjee, Advocate

.....for the State

Mr. Animesh Mukherjee, Advocate

Mr. Abdul Alim, Advocate

.....for the Respondent Nos. 1 & 2

The dispute pertains to the correction of record of rights. The writ-petitioner and the respondent nos. 1 and 2 are at loggerheads so far as their rights to the property is concerned and the record of rights which stands in the name of the writ-petitioner.

According to the writ-petitioner, after the acquisition of the right, title and interest on the strength of compromise decree passed in the civil suit, the record was corrected including the name of the petitioner and the predecessor. But the respondent nos. 1 and 2 are disputing the entry in the record of rights and in fact have filed a representation before the Block Land and Land Reforms Officer for correction of the record of rights.

The Tribunal has proceeded to dispose of the said application directing the concerned officer to dispose of the said representation but such order has an impact on the right of the writ-petitioner. It is pointed out that specific pleadings has been made in

the tribunal application that on the advice of the BL&LRO the said representation was taken out and, therefore, there is a strong apprehension that the said officer would be biased and allow the said application without affording an opportunity of hearing to the writ-petitioner.

The aforesaid apprehension has some basis but we are informed that the said officer has been transferred and the new incumbent have issued notice to all the interested parties including the writ-petitioner to appear before him in terms of the direction passed by the Tribunal. Therefore, we do not find the apprehension so perceived at one point of time still subsists.

Learned Advocate for the petitioner further submits that they may not be afforded an opportunity to disclose the defence to which we do not concur as the authority cannot deny the defence to be taken by the other side and must afford the opportunity to disclose their stand in order to decide the core issue involved therein. Obviously, the said officer shall permit the petitioner to disclose all the documents either in support of their stand or in denial to the claim of the respondent nos. 1 and 2. The moment such defence is disclosed, it is the ardent duty of the officer to consider the same while passing the final order on such representation.

We expect that the said officer would deal with all the points raised before him and shall dispose of

the said representation by recording proper reasons.

With these observations, the writ-petition being
WPLRT 14 of 2022 is disposed of.

(Harish Tandon, J.)

(Rabindranath Samanta, J.)