

**08-06-2022**  
Item No.51  
Subrata

**IN THE HIGH COURT AT CALCUTTA**  
Constitutional writ Jurisdiction

**WPLRT No.58 of 2022**  
**Dhiman Singh & Ors.**  
**-vs-**  
**State of West Bengal & Ors.**

Mr. D.K. Samanta  
Mr. Ashis Kumar Paul ...for the petitioners

Md. T.M. Siddiqui  
Mr. Shayak Chakraborty ...for the State

Curiously enough the tribunal application has been disposed of granting liberty to the writ petitioners to file an appropriate application before the competent authority impleading all the interest parties, as the application filed earlier would not subserve any purpose.

The application was made by the petitioners for correction of the record of rights necessitated by virtue of inheritance. Since the said application was kept in suspended animation for an indefinite period, the approach was made to the tribunal seeking an order for expeditious disposal thereof.

As indicated above, the tribunal without venturing to go into the several provisions of the Act directed fresh application to be made, when there is no prescribed mode of such application.

The Government Order published in the Official Gazette on February 6, 2009 prescribes the content of the application to be made and the modalities to be adopted while disposing of the said application. In absence of any prescribed mode of application, it was not proper on the part of the tribunal to scrap the said application and grant

liberty to the applicants to file afresh suggesting the mode which is alien to the Act and the procedure provided there for.

We, thus, set aside the impugned order of the tribunal dated March 24, 2022 and direct the Block Land & Land Reforms Officer concerned to consider the application dated October 5, 2018 filed by the writ petitioners and dispose of it within four weeks from the date of communication of this order, after affording an opportunity of hearing to all interested persons, in accordance with law.

Accordingly, the writ petition stands disposed of.

Nothing observed hereinabove shall be construed to have any impact on the merits of the contents of the said application. The concerned authority shall be free to decide the same independently on the basis of the materials and the evidence produced before it.

[Harish Tandon, J]

[Shampa Dutt (Paul), J]

