

Sunil Kumar Mondal & Ors.
Vs.
The State of West Bengal & Ors.

Mr. Salil Kumar Maiti,
Ms. Pinki Saha.

... for the petitioners.

Mr. Syamal Kumar Das,
Mr. Satyajit Tripathi,
Ms. Krishna Yadav.

... for the private respondent.

Mr. Chandi Charan De.

... for the State.

Despite service there is no representation on behalf of the State respondents. Let the affidavit of service filed in Court today be kept with the record.

The private respondent is represented.

We have requested Mr. Chandi Charan De, learned Additional Government Pleader, to appear in the instant matter and directed the appearing parties to hand over a copy of the writ petition upon him, which, in fact, has been done in Court today.

The instant writ petition is filed assailing an order dated 5th May, 2022 passed by the West Bengal Land Reforms and Tenancy Tribunal rejecting an application being M.A. 556 of 2020 filed by the writ petitioner; whereby and whereunder the writ petitioner seeks to recall the earlier order passed by the Tribunal permitting the private respondent to withdraw the tribunal application.

Challenging the order of the Block Land & Land Reforms Officer the private respondent filed the said tribunal application, but later on prayed for withdrawal of the same as he intends to file further representation before the competent authority.

The Tribunal permitted the private respondent to withdraw the said tribunal proceeding with the

categorical observations that the private respondent intend to approach the original authority, if law permits, the same may be explored. There is no decision taken by the Tribunal either on the maintainability or entertainability of the application to be filed before the competent authority.

If any approach is made before the statutory authority, it goes without saying that such authority shall see whether such application is maintainable or entertainable on the parameters of the applicable statutory provisions. There cannot be any apprehension in the mind of the writ petitioner that since the prayer for withdrawal was allowed on the basis of the submission that the private respondent intends to move the original authority, it would tantamount to permitting or giving sanction to such course of action.

We thus do not find any infirmity or illegality in the impugned order.

The writ petition is disposed of accordingly.

There will be no order as to costs.

(Harish Tandon, J.)

(Prasenjit Biswas, J.)

