

09 **15.07.**
2022
Ct. No. 04

Ab

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side.

WPLRT 82 of 2022

Sri Sankar Dinda and others
Vs.
The State of West Bengal and others.

Mr. Uday Narayan Betal,
Mr. Bhaskar Hutait,
Mr. Mriganka Patra.

... for the petitioners.

Mr. Asim Kumar Ganguly,
Mr. Tarak Karan.

... for the State.

By the impugned order dated 29th March 2022 passed by the West Bengal Land Reforms and Tenancy Tribunal in OA 767 of 2022 (LRTT), the tribunal application was dismissed solely on the ground that the writ petitioners by a misrepresentation is guilty of twisting the facts in the representation filed before the authority.

The tribunal application was taken out alleging inaction on the part of the Block Land and Land Reforms Officer, Sabang to consider the representation annexed at page 82 of the writ petition. The moment the prayer made in the tribunal application is of such nature, it is not advisable that the Tribunal should place itself into the position of the said authority and decide the disputes raised in the said representation. Even if the Court perceived that there has been a twisting of facts, it is within the domain of the authority to make an elaborate discussion and return its finding

thereupon, but in absence of any elaboration in the order and simply because of the statement was made that the Tribunal directed for correction of Record of Rights on 17th March 2003, it could not have asked the said authority to reconsider the said representation. It cannot be termed to be a misrepresentation or twisting of facts if the Block Land and Land Reforms Officer, Sabang has already initiated a proceeding in terms of the earlier order of the Tribunal. The writ petitioners made claims in respect of the property and, therefore, it is a duty of the authority to pass an order after hearing the interested persons.

It is now submitted to us that the notice of the said proceeding has been issued by the Block Land and Land Reforms Officer, Sabang upon all the interested persons including the writ petitioners herein and the next date is fixed in the month of August 2022. The grievance of the writ petitioners would be sufficiently taken care of therein.

Since the process has already been activated, the writ petitioners shall place all their claims before the said authority on the date so fixed and the said authority shall take a decision upon returning the findings on the claims that may be raised by the writ petitioners in accordance with law.

In view of the facts disclosed by the State, even though we feel that the manner in which the Tribunal has dismissed the tribunal application is unjustified, no further order is required to be passed in the instant writ petition except the one indicated herein above.

We hope and trust that the moment the said

authority has started the proceeding, endeavour shall be made to bring it to its logical end within four months from the date of hearing already fixed.

With these observations, the writ petition is disposed of.

There shall, however, be no order as to costs.

(Harish Tandon, J.)

(Shampa Dutt (Paul), J.)