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W.P.A. 15971 of 2022
(Shri Dibakar Goswami vs. State of West Bengal & Ors.)

Mr. Rahul Kr. Singh
.... For the Petitioner
Mr. Susovan Sengupta
Mr. Manas Kr. Sadhu
.... For the State

Heard learned counsels for the parties.

This Court has recorded in the order passed on 26th July, 2022 that the appeal preferred by the petitioner under Section 54 of the West Bengal Land Reforms Act, 1955 is pending before the appellate forum. During pendency of the appeal the third respondent has issued tender for leasing out the fishery land to the co-operative society. The petitioner prays for stay of the tender notice insofar as the property of the petitioner is concerned till the appeal is disposed of.

It transpires from the report submitted on behalf of the State respondents that the State has decided to withhold settlement of 'Kamaldighi Jalkar' (the petitioner's property) till disposal of the hearing of the appeal case being No. 149/2013 under Section 54 of

the West Bengal Land Reforms Act, 1955 scheduled to be held on 3rd August, 2022.

Learned counsel for the State respondents candidly submits that since the appeal is still pending before the authority, the authority has decided to withhold settlement of the Jalkar in question till disposal of the appeal.

In view of the above, this Court is inclined to hold that nothing further remains for adjudication in this writ petition which may be disposed of with a direction upon the authorities in terms of the submission made on behalf of the State respondents.

Accordingly, the writ petition is disposed of directing the third respondent to consider and dispose of the appeal pending before him within one month from the date of communication of this order, in accordance with law. The State respondents are restrained from dealing with the Jalkar in question involved in the appeal or making settlement of the same in terms of the Memo dated 24th June, 2022 till 30 days from the date of disposal of the appeal.

The writ petition is thus disposed of.

There shall be no order as to costs.

Since no affidavit has been invited, allegations contained in the writ petition shall be deemed not to have been admitted.

Urgent certified website copy of the order, if applied for, be given to the parties on compliance of requisite formalities.

(Suvra Ghosh, J.)