

WPA 14965 of 2018

**Halima Khatun & Ors.
Vs.
State of West Bengal & Ors.**

**Mr. S.P. Lahiri
Mr. Habibur Rahman
Mr. Munjel Alam
Mr. Marghoob Ahmed Salik
...for the petitioners**

**Mr. P.S. Deb Barman
Mr. Shahanayaz Alam
...for the respondent no. 11**

Matter relates to the right of the petitioners to retain the land, which according to the petitioners is being used for tea cultivation.

In the present writ petition petitioners has alleged that private respondents are interfering with the peaceful possession and enjoyment of the tea garden by the writ petitioners.

The writ petition is heard in presence of the learned advocates representing the writ petitioners and respondent no. 11.

During course of hearing this Court has come across the order dated 19th January, 2004 passed by the West Bengal Land Reforms and Tenancy Tribunal passed on the transferred writ petitions being C.O. 4725 (W) of 1994 and C.O. 4726 (W) of 1994.

It has been submitted on behalf of the petitioners before this Court that the petitioners in the present writ petition were the petitioners before the Tribunal. It further appears from the said order dated 19th January, 2004 that the concerned respondent authorities were directed to hold field enquiry and ascertain whether the land is pre-dominantly being used for the purpose of tea cultivation or not and if it is found that the said land is being used for tea cultivation the District Land & Land Reforms Officer, Uttar Dinajpur was directed to frame proposals under the appropriate Rules of the West Bengal Land & Land Reforms Manual 1991 and in accordance with the circulars and orders issued if any, by the State Government and transmit the same to the State Government in the Land & Land Reforms Department for consideration of the proposals for allowing the applicants to retain the land to the extent as in the opinion of the State Government will be required by the applicants under the proviso to Section 14Y of the W.B.L.R. Act, for the purpose of running their existing tea garden.

It has been submitted on behalf of the petitioners that till date such exercise as directed by the Tribunal for forwarding the proposal is not complete for which a contempt proceeding has been initiated before the Tribunal and the same remains pending.

In view of the aforesaid situation it appears to this Court that how much land the petitioners are entitled to retain for tea cultivation is required to be determined before considering the grievance as ventilated by them in the present writ petition. Therefore, at this stage the present writ petition cannot be entertained and the same stands dismissed.

However, there shall be no order as to costs.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)