

24.02.2022

WPLRT 54 of 2021

Court : 04
Item : 10
Matter : WPLRT
Status : DO
Transcriber: nandy

Gouri Sau (Das) & Ors.

Vs.

The State of West Bengal & Ors.

Mr. Dhiman Ray, Advocate

Mr. Dip Chanda, Advocate

.....for the Petitioner

Mr. Chandi Charan De, Learned AGP

Mr. Haripada Maity, Advocate

Mr. Anirban Sarkar, Advocate

.....for the State

Ms. Anita Khatun, Advocate

.....for the Respondent

The long pending dispute pertaining to the entry made in the record of rights wherein the private respondent were shown as 'Bargadar' has not reached its logical end. The petitioner had been subjected to several round of litigation before the Tribunal and on each occasion the direction was passed after setting aside the order of the Block Land and Land Reforms Officer (BL&LRO) to reconsider the case.

The impugned order is one of such orders, which is passed leading to a dispute having kept alive. However, again the Tribunal branded the order of the BL&LRO having passed in a slipshod and cursory manner yet no final decision was taken.

The petitioner has filed the instant writ-petition challenging the order of the Tribunal

wherein categorical observation having made by the Tribunal that the BL&LRO is not adhering to the earlier order of the Tribunal and acting in a lopsided manner. It is one of the examples of procrastination of the proceedings at the peripheral of the BL&LRO.

Precisely for such reason, this Court while entertaining the writ-petition directed the BL&LRO to take a decision on the aforesaid proceedings and file a report before this Court in the form of an affidavit. Such report is filed in the manner as indicated by this Court which would reveal that a final decision has been taken in a proceeding under Section 18(2) of the West Bengal Land Reforms Act, 1955.

The learned Advocate for the private respondents attempted to critically impinge the said order and prayed for exchange of affidavits as according to her many relevant documents have been overlooked by the BL&LRO in taking the final decision.

The main objective behind the passing of the interim order in the instant writ-petition directing the BL&LRO to take a final decision was to activate the process of law and bring finality to the litigation. The order of the BL&LRO passed under Section 18 is amenable to be challenged

by way of an appeal under the aforesaid Act and, therefore, we refrain from entertaining the writ-petition any further as it would tantamount to curtailing the rights of statutory appeal provided under the aforesaid Act. Whether the order of the BL&LRO is sustainable in the eye of law can very well be agitated before the appellate authority.

Since the report containing the order of the BL&LRO and the copy whereof has been served upon the private-respondents, liberty is granted to the private respondents to exhaust the statutory remedy provided in the statute. In view of the above, the writ-petitioner is disposed of.

However, we make it clear that we have no occasion to go into the merit of the order passed by the BL&LRO disposing of long pending proceeding and, therefore, any finding touching upon the merit shall not have any persuasive impact before the appellate authority and if approached by the private respondents, shall obviously be decided in accordance with law.

The writ-petition being **WPLRT 54 of 2021** is **disposed of**.

(Harish Tandon, J.)

(Rabindranath Samanta, J.)

