

77 26.09.22

Ct. No. 04

Akd

WPLRT 104 of 2022

Nil Lohit Ghosh & Anr.
Vs.
The State of West Bengal & Ors.

Mr. Santimoy Bhattacharyya,
Mr. Mrinal Kanti Ghosh.
... for the petitioners.
Mr. Chandi Charan Dey,
Ms. Chandana Ghosh.
... for the State.

The instant writ petition is directed against an order dated 13th May, 2022 passed by the West Bengal Land Reforms & Tenancy Tribunal in OA 1206 of 2022 disposing of the application directing the concerned authority to take cognizance of the said application and act upon in accordance with law.

The grievance relates to return of the land, which was assumed by the State but the patta was subsequently cancelled. According to the petitioners, the moment patta is cancelled the possession is to be returned, for which a representation was filed before the S.D.O., Sadar, Medinipur on 20th July, 2012.

The grievance raised in the tribunal application was non-consideration of the said representation even after a lapse of a decade. It is really unfortunate that the representation was served upon the authority seeking substantive relief and the authority kept the same in suspended animation and had not taken any decision thereupon.

Curiously enough the Tribunal directed the writ petitioner to serve a copy of the said tribunal application with all annexures to the authority and the said authority was directed to take cognizance of the same. Once the Tribunal found that there has been a considerable delay in disposing of the said

representation no leniency or sympathy should have been extended to such erring officer and the time bound disposal thereof ought to have been secured.

We, therefore, direct the S.D.O., Sadar, Medinipur to dispose of the said representation dated 20th July, 2012 within six weeks from date after affording an opportunity of hearing to all interested persons and by recording proper reasons in accordance with law.

Since the Tribunal directed the copy of the tribunal application to be served which we feel shall not sub-serve the purpose, yet we do not want to interfere with the said finding and the writ petitioner is directed to serve copy of the tribunal application in course of this week upon the said authority.

The writ petition is thus disposed of.

There will be no order as to costs.

(Harish Tandon, J.)

(Prasenjit Biswas, J.)