

05.09.2022

WPLRT 107 of 2022

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

Rabian Nessa Bibi & Ors.
Vs.
The State of West Bengal & Ors.

Mr. M.A. Samad, Advocate
Mr. M. Zahedi, Advocate

.....for the Petitioner

Mr. Soumitra Bandopadhyay, Advocate
Mr. Subhasis Bandopadhyay, Advocate

.....for the State

Mr. Surya Prasad Chattopadhyay, Advocate
Mr. Ankit Chatterjee, Advocate

.....for the Respondent Nos. 6 to 16

The scope before the Tribunal was limited to the extent that whether the Appellate Authority under Section 54 of the West Bengal Land Reforms Act, 1955 was justified in remanding the matter to the Block Land & Land Reforms Officer, Rajarhat to decide the original proceeding afresh. Such being the limited scope we are unable to comprehend the submission advanced by the private respondents that the Tribunal in fact, proceeded to decide the matter finally.

We notice the ultimate decision of the Tribunal by which the tribunal application being OA 79 of 2021 was dismissed on contest; meaning thereby the order of the Appellate Authority was affirmed. The moment the original application is dismissed by the Tribunal affirming the order of the Appellate Authority, logically it follows that the order of remand was uninterfered with and the original authority i.e. the Block Land & Land Reforms Officer, Rajarhat was invested with the power to decide the original proceeding afresh. The Tribunal would not have ventured to go into the merit when the challenge was made to an order by which the entire issue was relegated to the original authority to decide it afresh and even when the Tribunal has proceeded

to decide the matter on merit, it ought to have set aside the order of the Appellate Authority and the fate of the original application should have been reflected therein.

Since the course of action adopted by the Tribunal appears to be a mere confirmation of the order of the Appellate Authority, we do not find any substance in the submission of the private respondents that there is no necessity of deciding the matter afresh.

Apart from the same, the private respondents did not challenge the order of the Appellate Authority by which the matter was remanded to the original authority to decide afresh. Therefore, it is too late in a day to contend that there is no necessity of remand as the Tribunal has decided the matter on merit in its entirety.

Since the matter is pending before the Block Land and Land Reforms Officer, Rajarhat, we expect that the said authority should act in terms of the order of the Appellate Authority and take a decision afresh in the light of the observations made in the order of the Appellate Authority.

Since the issue are at large and cannot be construed to have decided finally for such reasons, the observations made by the Tribunal in the impugned order shall not be treated as conclusive on such issues and shall be deemed to be a tentative one.

The Block Land & Land Reforms Officer, Rajarhat, shall complete the entire exercise as directed by the Appellate Authority within four months from the date of communication of the order after observation the principles of natural justice and by recording proper reasons.

With these observations, the writ-petition being
WPLRT 107 of 2022 is disposed of.

(Harish Tandon, J.)

(Prasenjit Biswas, J.)