

42.
11-05-2022
debajyoti
(Ct. no.06)

MAT 1269 of 2019
with
IA NO:CAN/1/2019 (Old No:CAN/8803/2019)
with
CAN/2/2019 (Old No:CAN/8804/2019)
with
CAN/3/2020

Subrata Das
Vs.
Sitangshu Adak & Anr.

Mr. Anjan Bhattacharya,
Mr. Partha Sarathi Mondal
... For the Appellant.

Mr. Animesh Mukherjee,
Mr. Md. Ali Ahasan
... For the Respondent No.1/
Writ Petitioner.

Re : CAN 8804 of 2019

This is an application for condonation of delay of 39 days in filing the appeal. Causes shown being sufficient, the delay is condoned.

The application being CAN 8804 of 2019 is, thus, allowed.

Re : MAT/1269/2019, CAN/8803/2019 & CAN/3/2020

By consent of the parties, the appeal and the connected applications are taken up together for hearing.

To assail the order impugned dated June 21, 2019, Mr. Anjan Bhattacharya, learned advocate for the appellant/respondent no.8 in the writ petition, submits that the writ petition was disposed of without serving a copy of the writ petition on his client.

To avoid further delay in adjudication, we have heard the appeal on merits in the presence of all the parties.

By the order impugned, the learned Judge directed the police to ensure that the respondent no.1/writ petitioner was able to cultivate the land in respect of which his name has been recorded as “Bargadar”.

It appears that the writ petitioner filed an application before the West Bengal Land Reforms and Tenancy Tribunal being O.A. No.790 of 2008, praying, inter alia, for correction of the relevant Record of Rights, wherein the name of the appellant was recorded as “Bargadar”. The said application was disposed of with a direction upon the concerned Block Land & Land Reforms Officer to dispose of the application filed by the petitioner for correction of the Record of Rights within a period of six months from the receipt of a copy of the order.

Following the order of the Tribunal, the concerned Block Land & Land Reforms Officer initiated a case under Section 50 of the West Bengal Land Reforms Act, 1955 as Misc. Case No.14/11. The Block Land & Land Reforms Officer in the said proceedings by an order dated March 29, 2012 directed the name of the respondent no.1/appellant to be removed from the Records of Rights as ‘Bargadar’ and the name of the writ petitioner to be restored as “Bargadar” in the Record of Rights.

The appeal carried against the said order dated March 29, 2012, before the District Land & Land

Reforms Officer was also dismissed. The appellant has challenged the said order of the appellate authority before the West Bengal Land Reforms Tenancy Tribunal. The said application is pending.

It is an admitted position that the order of the Block Land & Land Reforms Officer is still in force whereby the name of the appellant has been removed from the Record of Rights as 'Bargadar'.

In that view of the matter, we do not find any reason to interfere with the order of the learned Single Judge as the name of the appellant stood deleted from the relevant records, restoring the name of the writ petitioner as "Bargadar".

The impugned order does not call for any interference. MAT 1269 of 2019, I.A. No. CAN 1 of 2019 (Old No. CAN 8803 of 2019) and I.A. No. CAN 3 of 2020 are, accordingly, dismissed.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

Urgent photostat certified copies of this order, if applied for, be supplied to the parties on compliance of necessary formalities.

(Kausik Chanda, J.)

(Arijit Banerjee, J.)