

**Sri Jayanta Kumar Das & Ors.
Vs.
The State of West Bengal & Ors.**

**Mr. Samiran Giri,
Mr. Sunil Baran Chanda.
... for the petitioners.
Mr. Chandi Charan De,
Mr. Anirban Sarkar.
... for the State.**

Alleging inaction on the part of the authority before whom the application was made for correction of Record of Rights on the basis of the judgement and decree passed by the Civil Court, the writ petitioners approached the Tribunal for a direction upon the said authority to dispose of the said application within a time frame.

Curiously enough the Tribunal accepted the contention of the State Government that the judgement and decree of the Civil Court has no relevance in relation to correction of Record of Rights, and held that the decree of the suit has no impact on the fate of the case.

The matter was pending before the authority, who has not taken any decision as yet and, therefore, such observations by the Tribunal was unwarranted. Furthermore there is no reason having assigned by the Tribunal that the judgement and decree of the Civil Court has no relevance on the fate of the said case.

It appears that the Tribunal has proceeded to make such finding simply on the ipsi dixit of the submissions advanced by the State Government and did not venture to return the findings thereupon. Ultimately the Tribunal has directed the competent authority, i.e. B.L. & L. R. O, to dispose of the said

application, but in our view such observation shall virtually render the said application liable to be dismissed.

We, therefore, expunge the portion of the order by which the Tribunal has held that the judgement and decree of the Civil Court has no relevance nor has any impact on the fate of the said case. The remaining portion of the order is uninterfered with.

To the extent as indicated above, the order impugned in the instant writ petition is modified and the B.L. & L. R. O, Khejuri-II, Dist. Purba Medinipur is directed to dispose of the said application within six weeks from the date of communication of this order after giving an opportunity of hearing to all interested persons and by recording proper reasons in accordance with law.

The writ petition is thus disposed of.

(Harish Tandon, J.)

(Shampa Dutt (Paul), J.)