

31.10.2022

WPLRT 132 of 2022

Court : 04
Item : 02
Matter : WPLRT
Status : DO
Transcriber: NANDY

Azijul Haque & Anr.
Vs.
The State of West Bengal & Ors.

Mr. S.S. Arefin, Advocate

.....for the Petitioner

Mr. Chandi Charan De, Learned AGP

Mr. Anirban Sarkar, Advocate

.....for the State

The instant writ-petition is taken out at the behest of the writ-petitioners seeking an innocuous relief in the form of a direction upon the Tribunal to prepone the date and dispose of the proceeding at an earliest. The last order dated July 20, 2022 would reveal that on the basis of *ipse dixit* of the submission of the State, direction was passed upon the Block Land & Land Reforms Officer, Nanoor, Birbhum to submit a comprehensive status report on the subject land and the next date was fixed. Strangely enough the next date is fixed after a gap of one year which is 06.07.2023.

Approach was made to the Tribunal alleging the inaction on the part of the said statutory authority in not disposing of the representation/application taken out by the petitioners and we do not see any reason for seeking the status report in respect of the subject land from the State. The moment the statutory authorities are approached, it is the bounden duty of the said authority to dispose of the said proceeding on merit in accordance with law. The Tribunal is not supposed to usurp the power of the statutory authority, and substitute itself in the arm-chair of the statutory authority

in seeking the status report and deciding the matter thereafter.

Our experience in this regard is bitter to the extent that despite the submission of the status report the Tribunal ultimately relegated the parties to the statutory authority with a direction upon it to decide the same and, therefore, seeking a status report appears to be farcical.

Be that as it may, we do not venture to go deep into the matter except the direction upon the Tribunal to prepone the date already fixed in presence of the parties or their respective Counsel which would not exceed fifteen days from the date of communication of this order and the Tribunal shall dispose of the proceeding as expeditiously as possible after affording an opportunity of hearing to the parties and by recording proper reasons in accordance with law.

With these observations, the writ-petition being **WPLRT 132 of 2022** is **disposed of**.

(Harish Tandon, J.)

(Prasenjit Biswas, J.)

