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18.04.2022
Ct. No.02
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HIGH COURT AT CALCUTTA
In The Circuit Bench At Jalpaiguri
Constitutional Writ Jurisdiction

WPA 712 of 2022

Tenjing Lama
Vs.
The State of W.B. & Ors.

Mr. Rohit Kumar Jha
...for the petitioner

Mr. Hirak Barman
Mr. Momenur Rahman
...for the State

This is an application praying for a direction upon the respondents to dispose of as expeditiously as possible an application/representation to grant permission for selling land belonging to the petitioner to a non-tribal person.

Affidavit of service filed on behalf of the petitioner is taken on record.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner's religious affiliation is Buddhist and he belongs to "Tamang" community, which is included in the list of Scheduled Tribes under the Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 2002. He intends to sell a land belonging to him to a non-tribal

person. Necessary permission is required for this from the respondent authorities. The petitioner has already applied for such permission on 05.02.2021, 10.03.2021 and 24.08.2021. However, the application for permission has not been disposed of by the respondents yet, especially by the respondent no.3.

Learned counsel appearing on behalf of the respondents relies on the report regarding steps taken by the respondent authorities on the application made by the petitioner that he had filed earlier and submits as follows. Appropriate steps have already been taken in respect of the petitioner's application and a publication has already been made in a newspaper in this regard as would be evident from the report filed earlier. The concerned respondents would make an endeavour to complete the steps taken in respect of the petitioner's application as expeditiously.

I have heard the submissions of the learned counsels appearing on behalf of the petitioner and the State and have perused the writ petition.

It appears from the report filed on behalf of the State in respect of the petitioner's representation for selling to his property to a non-tribal person that the petitioner's representation has already been considered and a publication has already been made

in this regard in a newspaper. Therefore, a further direction to consider the representation of the petitioner would be a futile exercise.

In the interest of justice, the respondent authorities are directed to undertake necessary measures to conclude the formalities from their end so that the process of grant permission as sought by the petitioner can be complete at the earliest.

With these observations, the revisional application is disposed of.

Urgent Photostat certified copy of this order may be delivered to the learned Advocates for the parties, if applied for, upon compliance of all formalities.

(Jay Sengupta, J.)