

Dd 03 21.08.2023

WPLRT 5 of 2019
with
I.A NO: CAN 2 of 2023

Sri Debasis Das
Vs.
The State of West Bengal & Ors.

Mr. Biswajit Sau,
Mr. Tapan Kumar Jana,
Mr. Sohhom Sau, Advocates
... ... For the Petitioner

Mr. Soumitra Bandyopadhyay,
Mr. Aniruddha Sen, Advocates
... ... For the State

In re : I.A No: I.A NO: CAN 2 of 2023

Affidavit-of-service filed in Court be taken on record.

Despite service none appears for the private respondent.

State is represented.

Considering the pleadings in the application for restoration and for the ends of justice, we deem it appropriate to recall the order of dismissal of the writ petition dated July 14, 2023 and restore the writ petition to its original file and number.

I.A NO: CAN 2 of 2023 is **disposed of** accordingly.

In re : WPLRT 5 of 2019

The writ petition is directed against an order dated May 16, 2018 passed by the West Bengal Land Reforms and Tenancy Tribunal in OA 327 of 2016.

By the impugned order the tribunal found that, the concerned Block Land & Land Reforms Officer to be without jurisdiction to declare any registered deeds as forged and fabricated and, consequently the Tribunal held that original application was not maintainable and dismissed the same.

Apparently, writ petitioner sold specified area of the immovable property to the private respondent.

Apparently, the concerned BL&LRO corrected the Record of Rights without reference to the writ petitioner.

Writ petitioner made a representation dated September 21, 2015 with regard thereto with the concerned BL&LRO. The concerned BL&LRO did not consider and decide such representation.

The correction of the Record of Rights spoken of in the preceding paragraphs by the BL& LRO was without notice to the writ petitioner. It is to be noted that the name of the writ petitioner was initially in the Record of Rights and it was so corrected without notice to the writ petitioner.

State is represented.

In such circumstances, it would be appropriate to direct the concerned BL& LRO to consider and decide the representation dated September 21, 2015 made by the writ petitioner, after affording reasonable opportunity of hearing to the writ petitioner as also to the persons who may be affected by such representation. The concerned BL&LRO will pass a reasoned order which he will communicate to the parties he heard. The concerned BL&LRO is at liberty to hear such other parties and consider such documents that he deems appropriate.

The impugned order dated May 16, 2018 passed in OA 327 of 2016 is modified to the extent as noted above.

WPLRT 5 of 2019 is **disposed of** accordingly.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)