

ML-55

05.06.2023
Court No.5
(AD)

WPLRT 17 of 2023

**Sri Sri Brindaban Chandra Jew and Estate, Guptipara
Vs.
The State of West Bengal & Ors.**

*Mr. Sanjay Mukherjee
Mr. Dhananjay Nayak
Mr. Arghadip Das*

... for the petitioner.

*Mr. Sirsanya Bandopadhyay
Mr. A.K. Nag*

... for the State

*Mr. Tanmoy Chowdhury
Ms. Ritoprita Ghosh*

... for the respondent no.4

In assailment is an order dated September 30, 2022 passed by the West Bengal Land Reforms and Tenancy Tribunal.

Petitioner before us is not a party-respondent in O.A.2968 of 2022 where the impugned order was passed. Petitioner before us applied for being added as a party-respondent in such proceeding.

Learned Advocate appearing for the petitioner contends that, petitioner applied before the concerned Block Land and Land Reforms Officer for correction of the record of rights by incorporating the name of the petitioner in the subject plot. Such application was allowed by the Block Land and Land Reforms Officer. Aggrieved thereby, the private respondent herein approached the Additional District Magistrate and District Land & Land Reforms

Officer who reversed the decision of the Block Land and Land Reforms Officer and directed the concerned Block Land and Land Reforms Officer to incorporate the name of the private respondent in the record of rights in respect of the subject plot. Aggrieved by such decision of the Additional District Magistrate and District Land & Land Reforms Officer, petitioner approached the learned Tribunal being O.A. No.1957 of 2019. Such O.A. is still pending. During the pendency of such O.A., the private respondent herein approached the learned Tribunal by way of O.A. 2968 of 2022 wherein the impugned order was passed directing the implementation of the order of the District Land and Land Reforms Officer.

State and the private respondent are represented.

Apparently, the issue as to who is entitled to be recorded in the record of rights in respect of the subject plot is yet to be decided finally. In our view, interest of justice would be sub-served by requiring the Block Land and Land Reforms Officer to decide such issue finally after affording reasonable opportunity of hearing to the private parties and without being influenced by any of the observations made by the Block Land and Land Reforms Officer and Additional District Magistrate and District Land & Land Reforms Officer or the Tribunal or this order. All orders to the contrary are set aside.

All points raised by the private parties are kept open to be decided by the Block Land and Land Reforms Officer

(respondent No.3). The Block Land and Land Reforms Officer is expected to conclude the proceedings within a period of six months from date. Block Land and Land Reforms Officer will pass a reasoned order which the Block Land and Land Reforms Officer will communicate to the parties that the Block Land and Land Reforms Officer heard.

In view of the order passed herein, it would be appropriate that learned Tribunal treats O.A. No.1957 of 2019 and O.A. No.2968 of 2022 along with all applications connected thereto as disposed of.

WPLRT 17 of 2023 is disposed of accordingly.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)

