

10
06.09.2023
Ct. No.10
b.das

W.P.A. 3084 of 2023

Mofazzel Molla
vs.
State of W.B. & Ors.

Mr. Kusal Chatterjee
Mr. Sudarsan Halder ...for the petitioner.

Mr. Soumitra Bandyopadhyay
Mr. P. Batabyal ...for the State.

Ms. Pampa Dey (Dhabal)
...for the private respondent.

Report in the form of affidavit submitted on behalf
the State respondents is taken on record.

Heard learned counsels for the parties.

The petitioner has assailed the order passed by
the Block Land and Land Reforms Officer under Section
50 of the West Bengal Land Reforms Act, 1955 on 21st
November, 2022 primarily on the ground that the
petitioner was not granted an opportunity of hearing
before the order was passed. The petitioner pleads
violation of natural justice.

It appears from the report in the form of affidavit
submitted on behalf of the State respondents that
notice was issued in the name of a wrong person and no
notice of hearing was issued upon the petitioner at all.

Strangely, the order impugned records that notice
was duly served and the petitioner was present before
the authority at the time of hearing.

Since it is evident from the record that no notice of hearing was served upon the petitioner and the order impugned was passed without providing an opportunity of hearing to the petitioner, the order needs to be set aside.

The order dated 21st November, 2022 passed by the Block Land and Land Reforms Officer, in case no.MN/2022/1608/28399 of 2022 is set aside/quashed.

The Block Land and Land Reforms Officer, being the 4th respondent herein, is directed to revisit the issue upon service of notice upon all the interested persons including the petitioner and the private respondent and affording an opportunity of hearing to them and pass a reasoned order within one month from the date of communication of this order, in accordance with law.

The writ petition is disposed of.

There shall be no order as to costs.

Since no affidavit has been invited, allegations contained in the writ petition shall be deemed not to have been admitted.

Urgent certified website copy of the order, if applied for, be given to the parties on compliance of requisite formalities.

(Suvra Ghosh, J.)