

WPLRT 38 of 2009
CAN 1 of 2010 (Old CAN 401 of 2010)
CAN 2 of 2011 (Old CAN 159 of 2011)

Sri Dulal Ram Bhakat & Ors.
Vs.
State of West Bengal & Ors.

Mr. Mukteswar Maity
Ms. Nupur Chowdhury
... for the petitioners

Mr. Shyama Prasad Purkait
Ms. Moumita Mondal
... for the respondent no. 6

The writ petition is directed against an order dated November 12, 2008 passed by the West Bengal Land Reforms and Tenancy Tribunal, disposing of an application for contempt, on the ground of compliance of the order.

Learned advocate appearing for the writ petitioner submits that, the writ petitioner approached the authorities or various reliefs. There are all subsisting orders of the High Court. They were not taken into consideration. He draws the attention of the Court to the order of the learned Tribunal dated August 10, 2007 which directed the concerned Block Land and Land Reforms Officer (BL & LRO) to conclude the proceedings and to pass a final order. He submits that, the writ petitioner was not given a hearing by the concerned BL &

LRO. The writ petitioner was not aware of the order being passed by the concerned BL & LRO. In the contempt proceedings, the writ petitioner became aware of the order dated May 4, 2007 passed by the concerned BL & LRO. He submits that the order dated May 4, 2007 is non speaking. It does not take into consideration the correct situation.

Respondent no.6 is represented.

The writ petitioner approached the learned Tribunal by way of O.A.2484 of 2007 seeking a direction upon the concerned BL & LRO to conclude Miscellaneous Case no.62 of 2003 within a period of fortnight in accordance with the order dated December 12, 2006 passed by the learned Tribunal in O.A.3087 of 2003.

It appears from the records that the learned Tribunal in O.A.3087 of 2003 directed the concerned BL & LRO to conclude Miscellaneous Case No.62 of 2003 within a particular period of time. The concerned BL & LRO heard the parties on February 27, 2007 and March 29, 2007 but did not pass any final order. Consequently, the writ petitioner approached the learned Tribunal by way of O.A.2484 of 2007 in which an order dated August 7, 2007 directing the concerned BL & LRO to conclude the proceedings and quash

the final order within a period of four weeks from the date of communication of this order.

BL & LRO passed an order dated May 4, 2007. According to the writ petitioner, such order was passed contrary to the direction of the Tribunal and without hearing the petitioner.

Writ petitioner filed a contempt petition being MA 1019 of 2007 complaining of violation of the order dated August 10, 2007 passed in O.A.2484 of 2007. Such contempt petition was disposed of on November 12, 2008 recording that, the order violation of which was complained of, was complied with.

In fact, there is an order dated May 4, 2007 passed by the concerned BL & LRO disposing of Miscellaneous Case No.62 of 2007. There may or may not be justifiable grievances of the writ petitioner with regard to the order dated May 4, 2007 passed by the concerned BL & LRO. Such grievances are to be ventilated in accordance with law before an appropriate forum.

The BL & LRO acting in terms of the order dated August 7, 2010 and passing a final order and it cannot be said that BL & LRO acted contemptuous violation of such order

simply on the ground that there are grievances with regard to the order dated May 4, 2007 of the concerned BL & LRO.

In such circumstances, we find no merit in the present writ petition.

WPLRT 38 of 2009 along with connected applications are dismissed without any order as to costs.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)