

26.07.2023
Item No.24
Ct. No.5
CHC

W.P.L.R.T. 16 of 2014

**Sri Kala Chand Khutiya & anr.
Vs.
The State of West Bengal & ors.**

Mr. Shyama Prasad Purkait,
Ms. Moumita Mondal
...for the petitioners

Mr. Lalit Mohan Mahata, Ld. A.G.P.
Mr. Ziaul Haque
...for the State

The writ petition is directed against the order dated September 13, 2013 passed in O.A.3458 of 2022 by the West Bengal Land Reforms and Tenancy Tribunal.

By the impugned order, the Tribunal directed the Block Land and Land Reforms Officer to hand-over the list of lands which were allowed to be retained by the vendors of the writ petitioners so that the writ petitioners may search the record. It was also directed if any land was found recorded in the name of the vendor of the writ petitioners the same may be brought to the knowledge of the concerned Block Land and Land Reforms Officer, so that the benefit under Section 14U(3) of the West Bengal Land Reforms Act, 1955 as prayed for by the writ petitioners may be granted.

Learned advocate appearing for the writ petitioners took us through the records of the case. According to him, the plots which were gifted by the vendor of the writ petitioners were allowed to be retained by such vendor. According to him, Misc. Case No.7 of 2003 concludes such issue. He also refers to an order passed by the High Court in a writ petition.

We perused the records to which, we were taken through by the writ petitioners. It appears from such records that, in the proceedings of Misc. Case No.7 of 2003 certain observations were made by the concerned Block Land and Land Reforms Officer. It was observed that, the plots involved were divested and no benefit under Section 14U(3) of the Act of 1955 was necessary.

Tribunal observed that, concerned Block Land and Land Reforms Officer was wrong in observing that the purported vesting under the Act of 1955 was done prior to disposal of Misc. Case No.7 of 2003, without clarifying as to why no benefits were granted to the writ petitioners from the retained land of the persons proceeded against. The Tribunal also observed that on perusal of the facts on record in connection with Misc. Case No.8 of 2011-12 that concerned Block Land and Land Reforms Officer came to the conclusion on the basis of available

records. The Tribunal observed that, the concerned Block Land and Land Reforms Officer held that no benefit under Section 14U(3) of the Act of 1955 can be granted to the writ petitioners.

The issue as to whether, the portion of the land which, the writ petitioners are entitled were allowed to be retained by the big raiyat or not is yet to be decided. Therefore, the mechanism devised by the impugned order to do so, cannot be faulted.

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

W.P.L.R.T.16 of 2014 is dismissed without any order as to costs.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)