

08.06.2023
Item No.21
Ct. No.5
CHC

W.P.L.R.T. 65 of 2022

**Karuna Karak & ors.
Vs.
The State of West Bengal & ors.**

Mr. Mrinal Kanti Ghosh,
Mr. Santimay Bhattacharyya,
Mr. Z. Haque,
Mr. H. K. Mahata
...for the petitioners

Md. T. M. Siddiqui, Ld. A.G.P.
Mr. Ayan Banerjee
...for the State

An order dated December 22, 2021 passed by West Bengal Land Reforms and Tenancy Tribunal in O.A. No.791 of 2016 is under challenge in the present writ petition.

Learned advocate appearing for the writ petitioners contends that, the authorities decided on the issue whether the land in subject was irrigated or non irrigated in character earlier. Once such decision was taken, the same cannot be reopened under the provisions of the West Bengal Land Reforms Rules, 1965 in a manner sought to be done by the respondents authorities. He contends that such issue is germane to the assumption of jurisdiction by the

authorities. Such issue was never decided by any of the authorities. Consequently, the learned Tribunal erred in issuing the directions for consideration whether the land in subject was irrigated or non irrigated by a competent officer under the Act and Rules.

State is represented.

It appears from the materials made available on record that, an exercise of identifying whether the land in subject was irrigated or non irrigated in character was undertaken by the authorities and that a finding was returned with regard thereto. Thereafter the provisions of West Bengal Land Reforms Rules, 1965 in respect of the same land for the purpose of determining the irrigated and non irrigated area of the agricultural land under Section 14N of the Act were invoked..

In our view, the issue as to whether the authorities can invoke the provisions of Section 14N of the Act is required to be decided prior to the authorities undertaking the exercise as directed by the impugned order of the learned Tribunal.

In such circumstances, the appellate authority will decide the issue as sought to be raised by the writ petitioners prior to undertaking the exercise as directed by the impugned order.

Time to comply with the impugned order is extended for a period of six months from date.

W.P.L.R.T. 65 of 2022 is disposed of accordingly.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)