

13.09.2023
Item No.7
Ct. No.5
CHC
(dismissed)

W.P.L.R.T.57 of 2013
IA NO: CAN/2/2023

Sri Ram Kinkar Mahato
Vs.
The State of West Bengal & ors.

Mr. Prasanta Behari Mahata
...for the writ petitioner

Mr. Tapan Kr. Mukherjee, Sr. Advocate & A.G.P.
Mrs. Sangeeta Roy,
Mr. Somnath Naskar
...for the State

In Re: CAN/2/2023

CAN/2/2023 is an application for restoration.

For the ends of justice and in view of the pleadings made in the application for restoration, the order of dismissal of the writ petitioner dated August 14, 2023 passed W.P.L.R.T.57 of 2013 is recalled.

CAN/2/2023 is **allowed**.

W.P.L.R.T.57 of 2013 is restored to its file and number.

In Re: W.P.L.R.T.57 of 2013

The writ petition is directed against an order dated December 18, 2012 passed in T.A.833 of 2007 of (LRTT) by the West Bengal Land Reforms and Tenancy Tribunal, First Bench.

By the impugned order, the Tribunal was pleased to hold that since, the challenge to the vires was decided by the Hon'ble Division Bench, the Original Application become infructuous. The Original Application was disposed of.

A writ petition was filed by the writ petitioner before the High Court challenging the vires of various provisions of the West Bengal Land Reforms Act, 1956. On constitution of the Tribunal, such writ petition was transferred to the Tribunal and renumbered as T.A.833 of 2007 (LRTT).

We perused the copy of the writ petition which is annexed herein. It appears that, the writ petitioner assailed the vires of various provisions of the Land Reforms Act, 1956 as amended from time to time.

The vires of provisions of the Act of 1956 was pronounced upon by the High Court in the decision reported at **1996 (2) Calcutta Law Journal 285 (Paschim Banga Rajya Bhumijibi Sangha v. State of West Bengal)**. A Special Leave Petition was carried therefrom which is still pending consideration.

The issue as to the pending nature of **Paschim Banga Rajya Bhumijibi Sangha (supra)** so far as the High Court is concerned, came up for consideration before the Division Bench in **(2007) 3 CHN 178 (Pijush Kanti Chowdhury versus State of**

West Bengal & ors.) where it was pronounced that, the decision of the Division Bench in **Paschim Banga Rajya Bhumijibi Sangha (supra)** was still binding upon the High Court as a valid precedent.

The Supreme Court is yet to decide on the challenge to **Paschim Banga Rajya Bhumijibi Sangha (supra)**.

In view of the pronouncement in **Pijush Kanti Chowdhury (supra)** we find no merit in the present writ petition.

W.P.L.R.T. 57 of 2013 is **dismissed** without any order as to costs.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)