

08.06.2023
Item No.16
Ct. No.5
CHC

W.P.L.R.T. 59 of 2023

**Subrata Dutta
Vs.
The State of West Bengal & ors.**

Mr. Dibyendu Chatterjee,
Mr. PritamMajumdar,
Mr. Rahul Deb Goenka
...for the petitioner

Mr. Sirsanya Bandopadhyay,
Mr. Arka Kr. Nag
...for the State

Mr. Mukteswar Maity,
Ms. Nupur Chaudhuri
...for the respondent no.4

Petitioner is aggrieved by an order dated March 9, 2023 passed by the learned West Bengal Land Reforms and Tenancy Tribunal in O.A. No.3561 of 2022.

Learned advocate appearing for the petitioner submits that, the petitioner sought for stay of the notice issued by the Block Land and Land Reforms Officer dated April 10, 2023 regarding delivery of possession. He submits that the O.A. assails an order dated September 8, 2022 with regard to the subject plot of land. He draws the attention of the Court to the reply received under the Right To Information Act dated March 4, 2022. He submits

that, such reply of the authority said that no patta was given in respect of the plot concerned. However, by the order dated April 20, 2023, the Block Land and Land Reforms Officer is seeking to make over possession of the plot concerned to the alleged patta holders. He submits that, till such time, the O.A. is not disposed of, the status with regard to possession of the plot in question be maintained. As on date, the writ petitioner is in possession.

State and the private respondents are represented.

Learned advocate appearing for the State draws attention of the Court to the relief sought for in the Original Application by the writ petitioner. He submits that, the letter dated April 10, 2023 was not made a subject-matter of the proceeding before learned Tribunal. He draws attention of the Court to the miscellaneous application filed at the behest of the petitioner before Tribunal. Therefore, he questions the requirement of intervention by the High Court as prayed for by the writ petitioner.

Learned advocate appearing for the private respondent draws the attention of the Court to the materials on record. He submits that, the private respondent was issued a patta and is entitled to possess land in question.

There is a proceeding being O.A. No.3561 of 2022 which is pending before the learned Tribunal. In such proceeding, an order dated September 8, 2022 passed by the appellate authority and Additional District Magistrate and District Land and Land Reforms Officer in connection with L. R. Appeal No.20 of 2021 is pending consideration.

In respect of the plot which is concerned in the proceeding before the learned Tribunal, a letter dated April 10, 2023 was issued by the Block Land and Land Reforms Officer seeking to make over possession of such land to the private respondents. There is also a reply to a query raised under the Right to Information Act, 2005 dated March 4, 2002, where, the authorities claim that the private respondents were not issued patta in respect of the plot concerned.

As noted above, the Original Application revolves around the right of the private parties in respect of the plot concerned. During the pendency of the Original Application, the status including possession of the plot should be maintained and should not be allowed to be disturbed. Letter dated April 10, 2023 seeks to disturb such possession.

In such circumstances, Block Land and Land Reforms Officer, Namkhana, South 24 Parganas

will not give effect to the letter dated April 10, 2023 till the disposal of O.A. No.3561 of 2022. It is expected that the learned Tribunal endeavour to dispose of the original proceeding within a period of six months from date.

W.P.L.R.T. 59 of 2023 is disposed of accordingly.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)