

DL-62

06.06.2023
Court No.5
(AD)

WPLRT 60 of 2023

**Sri Nitai Chandra Lahiri
Vs.
State of West Bengal & Ors.**

Mr. Partha Pratim Roy

... for the petitioner.

Mr. T.M. Siddiqui, Ld. AGP

Mr. S. Dhar

Mr. M.K. Ghosh

... for the State.

Mr. Kapil Chandra. Sahoo

... for the private respondent.

The writ petition is directed against an order dated January 17, 2023 passed by the West Bengal Land Reforms and Tenancy Tribunal in O.A. No.1251 of 2018.

By the impugned order, the learned Tribunal found that, the writ petitioner was essentially requiring the Revenue Officer to review its own order which was not permissible in law. On such finding, the learned Tribunal dismissed the original application.

State and the private respondent are represented.

In the facts and circumstances of the present case, it appears that the writ petitioner before us is a transferee of the original owner. When the writ petitioner purchased the immovable property, there was no recording of Barga in respect of the plot purchased. Thereafter, on an application made by the private respondent for recording of Barga, a proceedings were initiated by the Revenue Officer. In such proceedings, the writ petitioner appeared on June 12, 2000.

Apparently, thereafter, the writ petitioner chose not to appear in such proceedings. Such proceedings ended with a direction for recording of Barga in favour of the private respondent.

The writ petitioner thereafter approached the Revenue Officer for deletion of the name of the Barga which was recorded in the earlier proceedings. The writ petitioner did not avail of his rights of appeal under the provisions of Section 19 of the West Bengal Land Reforms Act, 1955.

Writ petitioner thereafter approached the learned Tribunal with a prayer in respect of the alleged inaction of the Revenue Officer in disposing of the application for deletion of the Barga recorded in respect of the plot concerned. In such original application, the impugned order was passed.

As noted above, in an appropriate proceedings upon notice to the writ petitioner and, in fact, in which such proceedings, the writ petitioner appeared, the Revenue Officer recorded Barga in respect of the plot concerned. The writ petitioner did not avail of his rights of appeal under Section 19 of the Act of 1955. Thereafter, the writ petitioner approached the same Revenue Officer for deletion of the name of the Barga.

The Revenue Officer was not vested with any authority to do so. The Tribunal on the original application of the writ petitioner noted such fact. It observed that the Revenue Officer did not possess requisite power of review.

In such circumstances, we find no material irregularity in the impugned order.

WPLRT 60 of 2023 is disposed of accordingly.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)

