

05.07.2023
Item No.13
Ct. No.5
CHC
(disposed of)

W.P.L.R.T.29 of 2021

**Pranab Kumar Jana & ors.
Vs.
The State of West Bengal & ors.**

Mr. Partha Pratim Roy,
Mr. Salil Kumar Maiti,
Ms. Dolon Sarkar
...for the writ petitioners

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

The writ petition is directed against an order dated November 18, 1920 passed in O.A.3094 of 2015.

Proceedings under Sections 5A and 6(5) of the West Bengal Estate Acquisition Act, 1953 were initiated as against the writ petitioners. Such proceedings were challenged by way of a writ petition. Such writ petition was disposed of by an order dated September 27, 1989 passed in Civil Rule No.6068(W) of 1978. By such order, the High Court, quashed the proceedings under Sections 5A and 6(5) of the Act of 1953. The orders passed in such proceedings were set aside. The High Court granted liberty to the State authorities to initiate proper proceeding if authorised by law and in compliance of the same.

State initiated proceedings under Section 14T(3) read with Sections 14(H) and 14(S) of the West Bengal Land Reforms Act, 1955. In 1979 such proceedings were disposed of by an order dated May 14, 1980. By such order, the amount of land that the family of the writ petitioners were entitled to retain was fixed.

Several other proceedings took place. Notable is an order dated March 11, 2013 passed by the Appellate Authority which considering the order of the High Court dated September 27, 1989 passed in C.R. No.6068(W) of 1978, and directed correction of the relevant record of rights.

In terms of such order of the Appellate Authority, the record of rights were not corrected. The writ petitioners approached the Tribunal by way of O.A.396 of 2015 which was disposed of by an order dated April 24, 2015. The concerned Block Land and Land Reforms Officer was directed to comply with the order of the Appellate Authority, conclude the proceedings and 'tamil' the order within a period of four months from the date of communication of such order.

Again, there was failure on the part of the concerned Block Land and Land Reforms Officer to comply with such direction of the Tribunal. The writ petitioners approached the Tribunal by way of O.A.3094 of 2015 which was disposed of by the

impugned order dated November 18, 2020. By the impugned order, learned Tribunal, found that R.S. Record of Rights were corrected in terms of the order of the Appellate Authority. The L.R. record of rights correction was left open for correction/modification in an appropriate proceedings.

Learned Senior Advocate appearing for the State submits that, till such time, the writ petitioners filed Form 7AA under the West Bengal Land Reforms Act, 1956, L.R. record of rights cannot be corrected.

With respect, in the facts and circumstances of the present case, we are unable to agree with such contention of the learned Senior Advocate appearing for the State. State initiated proceedings under Section 14T(3) of the Act of 1955 which culminated into the order dated May 14, 1980. There the amount of land that the family of writ petitioners was entitled to retain was quantified. Therefore, on such basis the L.R. Record of Rights can be prepared.

Our attention was not drawn to any material on record to suggest that the order passed by the Revenue Officer exercising jurisdiction under Section 14T(3) of the Act of 1955, was assailed by any of the parties before any forum. Therefore, such order is binding upon the parties including the State.

Consequently, the State will proceed to implement the order dated May 14, 1980 passed by the Revenue

Officer exercising jurisdiction under Section 14T(3) of the Act of 1955 and correct the L.R. Record of Rights within a fortnight from date.

Learned Senior Advocate appearing for the State submits that Section 14T(3) was invoked prior to the amendments being incorporated therein.

It would be open to the State, if they are entitled to, in law to invoke Section 14T(3) afresh.

However, till such time the order dated May 14, 1980 passed by the Revenue Officer exercising jurisdiction under Section 14T(3) of the Act of 1955 survives, the concerned Block Land and Land Reforms Officer will act in terms of our order and correct the L. R. Record of Rights as directed.

W.P.L.R.T. 29 of 2021 is disposed of accordingly.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)