

26.09.2023
Item No.82
Ct. No.5
CHC

W.P.L.R.T.113 of 2012

Kabatulla Molla & ors.

Vs.

The State of West Bengal & ors.

Md. Ahsanuzzaman

...for the writ petitioners

The writ petition is directed against an order dated August 23, 2010 passed by the West Bengal Land Reforms and Tenancy Tribunal in O.A.2058 of 2009 (LRTT).

The writ petitioners before us were patta holders. They were evicted pursuant to the order of Tribunal in O.A.1339 of 2009.

It is the contention of the writ petitioners that, they were not made parties to the proceeding being O.A.1339 of 2009. They were without any knowledge of the order of eviction or of any order passed in O.A.1339 of 2009.

Subsequent to their eviction, they approached the Tribunal by way of O.A.2058 of 2009 where they sought an interference by the Tribunal.

The writ petitioners may or may not be parties to O.A.1339 of 2009. They were evicted pursuant to order passed therein. They became aware of the proceeding when they were evicted. They did

not take any step to challenge any order of O.A.1339 of 2009. Therefore, the order of eviction passed in O.A.1339 of 2009 became binding upon the writ petitioners before us.

In such circumstances, we do not find that the writ petitioners possessed any justiciable right to approach the Tribunal. The Tribunal noted that, it was beyond its power to interfere with the order passed in a different Original Application.

In such circumstances, we find no merit in the present writ petition.

W.P.L.R.T. 113 of 2012 is **dismissed** without any order as to costs.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)