ML-9

04.09.2023
Court No.5
(AD)

WPLRT 845 of 2001

Dilip Kumar Karmakar & Anr.
Vs.
The State of West Bengal & Ors.

Mr. Milan Chandra Bhattacharjee
Mr. Goutam Wilson
Mr. Pradyot Kumar Saha
... for the petitioners.

Mr. Chandi Charan De
Ld. Addl. Govt. Pleader
Mr. Anirban Sarkar
... for the State-respondents.

The writ petition is directed against an order dated June 15, 2001 passed by the West Bengal Land Reforms and Tenancy Tribunal in T.A. 192 of 2001.

By the impugned order, the Tribunal observed that, the prayer of the writ petitioners was not innocuous as sought to be made out. It observed that, the raiyat himself was in violation of the statutory obligation and did not file the return.

State is represented.

It appears from the records made available to Court that, a writ petition was filed in this Court challenging an order passed by the appellate authority under Section 54 of the West Bengal Land Reforms Act, 1955. The concerned revenue officer determined the ceiling area of the raiyat. The same was under challenge in the proceedings.

The Tribunal, in the impugned order, found that, before the appellate authority, the raiyat took two points. One was lack of sufficient opportunity of hearing and the other that, the proceeding was not disposed of in terms of the order of the High Court.

The appellate authority considered both the points and held that, the revenue officer heard the raiyat and his representative on as many as five dates.

The appellate authority also found that, the order of the High Court was not produced either before the revenue officer or before the appellate authority.

Before the Tribunal, the writ petitioners submitted that, an opportunity should be granted to the writ petitioners to submit a return in Form 7AA.

The Tribunal, by the impugned order, rejected such plea on the ground that, such prayer was never made either before the revenue officer nor before the appellate authority and that, the writ petitioners were in violation of the statutory obligation in not filing any return.

No error is established with regard to the order of the revenue officer or of the appellate authority.

No error is also established with regard to the impugned order of the Tribunal.

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

WPLRT 845 of 2001 is dismissed without any order as to costs.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)