

DL-24

08.06.2023
Court No.5
(AD)

WPLRT 88 of 2022

**Fakir Ahmed Atta & Anr.
Vs.
State of West Bengal & Ors.**

*Mr. Bhagabat Chowdhury
Sk. Toslim Ali
Ms. Saba Parween*

... for the petitioners.

*Mr. Chandi Charan De, Ld. Addl. Government Pleader
Mr. Soumitra Bandyopadhyay
Mr. Anirban Sarkar*

... for the State.

The writ petition is directed against an order dated March 24, 2022 passed by the West Bengal Land Reforms and Tenancy Tribunal.

By the impugned order, the Tribunal noted that there were previous proceedings challenging Misc. Case No.1 of 2000 unsuccessfully. The learned Tribunal held that it was not an appellate authority against any order of the statutory appellate authority and, therefore, scope of determination by the Tribunal was limited to legality, propriety and correctness of the impugned order. It did not find any illegality or impropriety in the impugned order warranting an interference.

Bereft of unnecessary details, the facts can be adumbrated hereafter. Predecessor or the predecessor-in-

interest of the writ petitioners were owners of certain plots of land. For the sake of convenience, such predecessor or predecessor-in-interest is identified as 'X'. 'X' was recorded in the C.S. record of rights. Subsequent to the expiry of 'X', the predecessor-in-interest of the writ petitioners, namely, 'Y' was recorded in the R.S. record of rights. Subsequent thereto, the writ petitioners and the private respondents came to own the immovable properties of 'Y' as co-sharers in accordance with the shares that they are entitled to.

A number of plots of immovable properties are involved. Some of the co-sharers who were not included in the record of rights and applied for correction of the record of rights before the Block Land & Land Reforms Officer. Block Land & Land Reforms Officer corrected the record of rights by incorporating the names of such co-sharers. Appeal was preferred which was rejected. The original application directed against the appellate authority's order was dismissed by the impugned order.

It is the claim of the writ petitioners herein that there is a family settlement allowing allotment of certain plots exclusively to one co-sharer as against the others. Such family settlement is not made available on record.

Be that as it may, the writ petitioners are at liberty to avail of their rights under the family settlement, if there be any, before the appropriate forum in accordance with law.

We find no material irregularity warranting an interference by the High Court with the impugned order.

WPLRT 88 of 2022 is disposed of accordingly.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)

