

DL-6

14.07.2023
Court No.5
(AD)

WPLRT 84 of 2023

**Lakshya Tradelinks Pvt. Ltd.
Vs.
The State of West Bengal & Ors.**

Mr. Saptangsu Basu, Ld. Sr. Advocate
(via Video Conference)
Mr. Subhabrata Das
Ms. Moumita Bhattacharjee
... for the petitioner.

Mr. T.M. Siddique
Mr. Mrinal Kanti Ghosh
... for the State-respondents.

The writ petition is directed against an order dated May 11, 2023 passed in MA-327/2023 (OA No.-950/2023) by the West Bengal Land Reforms and Tenancy Tribunal.

Learned Senior Advocate appearing for the petitioner submits that, the petitioner is a purchaser of an immovable property. There was a delay in approaching the Tribunal which was condoned. The petitioner applied for interim protection in view of the fact that the petitioner is the owner of the immovable property concerned. Petitioner applied for mutation. The petitioner is admittedly in possession of the immovable property concerned till the decision of the authorities as appearing from the order dated September 20, 2022 passed in Appeal Case No.117 of 2022 received

final consideration in the original application, the parties should be directed to maintain *status quo* with regard to the possession of the immovable property concerned.

State is represented.

It appears from the records that the petitioner claiming itself to be an owner of the immovable property applied for mutation. Such application for mutation was rejected by the order dated June 8, 2022. An appeal therefrom was carried being Appeal Case No.117 of 2022. Orders dated September 20, 2022 and December 5, 2022 were passed in the appeal. Being aggrieved by the two orders of the appellate authority, the original application was filed before the Tribunal.

There was a delay in filing the original application which was condoned by the impugned order dated May 11, 2023.

The writ petitioner before us as the applicant in the original application sought interim protection with regard to possession of the immovable property concerned. Such prayer was turned down on the ground that, the records shows that the land was a leasehold land in terms of Section 6(3) of the West Bengal Estate Acquisition Act, 1953.

The writ petitioner applied for mutation as a purchaser and being in possession of the property concerned. Application for mutation was rejected upto the appellate authority stage. The legality and the

veracity of the order of rejection is under challenge in the original application.

In such circumstances, it would be appropriate to direct the parties to maintain *status quo* with regard to the possession of the immovable property concerned till the disposal of the original application.

This order will not be construed to mean that there is an embargo on the authorities to invoke the provisions of the Act of 1953 in respect of the property concerned.

It would be appropriate to direct the respondents to file their reply before the Tribunal within a period of two weeks from date, as prayed for. The rejoinder, if any, within two weeks thereafter.

The learned Tribunal is requested to list the matter five weeks hence and endeavour to dispose of the original application within a period of four months thereafter.

WPLRT 84 of 2023 is disposed of without any order as to costs.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)

