

DL-8

02.08.2023
Court No.5
(AD)

WPLRT 88 of 2023

**Snow Flower Sales Private Limited
Vs.
The State of West Bengal & Ors.**

*Mr. Tanmoy Mukherjee
Mr. Souvik Das
Mr. K.R. Ahmed
Mr. Rudranil Das
... for the petitioner.*

*Mr. T.M. Siddique, Ld. AGP
Mr. Ayan Banerjee
... for the State.*

*Mr. Mrinal Kanti Ghosh
... for the private respondents.*

The writ petition is directed against an order dated June 19, 2023.

Learned Advocate appearing for the petitioner submits that, there are title disputes and that, a civil suit is pending. He relies upon the unreported decision dated January 19, 2015 passed in *WPLRT 356 of 2014 (Sri Chandranath Khan vs. The State of West Bengal & Ors.)* and the unreported decision dated November 11, 2014 passed in *WPLRT 300 of 2014* in support of his contention that pending the civil suit, mutation should not be allowed to be proceeded with.

Learned Advocate appearing for the private respondents submits that, the Block Land & Land Reforms Officer is of the view that the private respondents are in possession. He submits that the civil suit was filed

subsequent to the filing of the original application before the Tribunal. He submits that, the entire proceedings before the Tribunal as also before this Hon'ble Court is to stall the proceedings of mutation.

State is represented.

An original proceeding was initiated at the behest of the writ petitioner before the Tribunal being OA 744 of 2023. There, an application for condonation of delay was filed being MA 274 of 2023.

A mutation proceeding was initiated before the concerned Block Land & Land Reforms Officer which was allowed. An appeal was preferred. Appellate authority directed the concerned Block Land & Land Reforms Officer to rehear the mutation proceedings. Writ petitioner is aggrieved by such decision of the appellate authority.

An application for condonation of delay is yet to be considered and decided by the Tribunal.

In *WPLRT 300 of 2014*, the Coordinate Bench restrained the concerned Block Land & Land Reforms Officer from deciding an application for correction of settlement of record of rights till the disposal of the suit pending before the Civil Court.

In *Sri Chandranath Khan (supra)*, the Coordinate Bench, taking into consideration that a civil suit was pending between the parties concerning the dispute relating to the title, directed correction of the record of rights after disposal of the suit.

In the facts of the present case, the civil suit was filed subsequent to the initiation of the proceedings before the Tribunal.

In the two authorities cited above, the civil suits were pending when the parties went before the Tribunal. That apart, the order of the appellate authority, impugned before the Tribunal, directed the concerned Block Land & Land Reforms Officer to decide the matter afresh. Therefore, the concerned Block Land & Land Reforms Officer is yet to take a decision on the mutation aspect.

There is no reason to preempt the decision making authority of the concerned Block Land & Land Reforms Officer at this stage.

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

WPLRT 88 of 2023 is dismissed without any order as to costs.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)

