

WPLRT 662 of 2007

***Sri Pramatha Nath Mondal & Ors.
Vs.
State of West Bengal & Ors.***

*Mr. Salil Kumar Maiti,
Ms. Dolan Samanta, Advocates
... .. For the Petitioners*

*Mr. Chandi Charan De,
Ms. Soumitra Bandyopadhyay,
Mr. Anirban Sarkar,
Ms. Suchana Banerjee, Advocates
... .. For the State*

The writ petition is directed against an order dated May 17, 2007 passed by the West Bengal Land Reforms and Tenancy Tribunal.

Proceedings under Section 14T(3) of the West Bengal Land Reforms Act, 1955 were initiated. Being aggrieved by an order passed by the concerned Block Land & Land Reforms Officer (BL&LRO), an appeal was filed under Section 54 of the Act of 1955. The Appellate Authority remanded the proceedings to the concerned BL&LRO for a fresh decision.

Aggrieved by the order of the Appellate Authority, O.A. 322 of 2007 was filed before the Tribunal with an application for condonation of delay.

By the impugned judgment and order, the Tribunal condoned the delay in filing the original application. Noticing that, the appellate authority's order is one of remand and the issues were yet to be decided, the Tribunal refused to entertain the original application.

Contention before us is that, the proceedings under Section 14T(3) of the Act of 1955 are not maintainable. Various grounds are cited on such aspect.

It cannot be said, without the factual aspect being assessed, that invocation of Section 14T(3) was incorrect. Whether or not invocation of Section 14T(3) was incorrect is best left to be decided by the concerned BL&LRO in the facts of this case.

Therefore, we find no irregularity in the impugned order of the Tribunal.

WPLRT 662 of 2007 is dismissed without any order as to costs.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)