

DL-4

03.08.2023
Court No.5
(AD)

WPLRT 90 of 2023
Rahila Bibi & Ors.
Vs.
The State of West Bengal & Ors.

Mr. Pataakashree Roy

... for the petitioners.

Md. T.M. Siddique, Ld. AGP

Ms. Ashmita Ghosh

... for the State.

The writ petition is directed against an order dated June 23, 2023 passed in O.A. No.4204 of 2016 by the West Bengal Land Reforms and Tenancy Tribunal.

In dispute, is mutation.

Private respondents were recorded in the record of rights in respect of the plot concerned. A Misc. Case was initiated by the concerned Block Land and Land Reforms Officer in which, the name of the petitioners were incorporated in such record of rights in place and stead of the private respondents. The private respondents whose names were originally recorded, carried an appeal before the appellate authority. The appellate authority upheld the order of the concerned Block Land & Land Reforms Officer. Against that, the impugned original proceedings was initiated before the Tribunal in which, the impugned order dated June 23, 2023 was passed.

By the impugned order, the learned Tribunal, found that there are civil suits pending between the private parties with regard to the title of the immovable property concerned. Consequently, the Tribunal directed

that the status as on the date of filing of the Misc. application before the concerned Block Land & Land Reforms Officer in respect of the land be maintained.

Learned Advocate appearing for the petitioners submits that, the names of the petitioners should be in the record of rights. He makes that submission on the basis of an order of *status quo* passed by the Civil Court.

Civil Court is yet to finally decide the title to the property concerned. The order spoken of is interim in nature.

The concerned Block Land & Land Reforms Officer was incorrect in changing the record of rights in the teeth of civil disputes between the private parties. Therefore, it is just and proper that the names of the private respondents who were on the record of rights, as on date of filing of the Misc. application at the behest of the writ petitioners before the concerned Block Land & Land Reforms Officer be maintained till final adjudication in the civil suit.

In such circumstances, we find no reason to interfere with the impugned order.

WPLRT 90 of 2023 is dismissed without any order as to costs.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)

