

09.08.2023
Item No.2
Ct. No.5
CHC
(disposed of)

W.P.L.R.T.94 of 2023

**Prodyut Kumar Mondal & ors.
Vs.
The State of West Bengal & ors.**

Mr. Gazi Faruque Hossain,
Mr. Himadri Kr. Mahata
...for the petitioners

Md. T. M. Siddiqui, Ld. A.G.P.
Mr. Supratim Dhar,
Mr. Samrat Paul
...for the State

The writ petition is directed against an order dated April 19, 2023 passed by the West Bengal Land Reforms and Tenancy Tribunal in O.A.848 of 2023.

By the impugned order, the Tribunal directed Appellate Authority in L.R. Appeal No.358 of 2018 to dispose of the appeal in terms of the points involved in the appeal, after extending an opportunity of hearing to both the parties in the appeal, preferably before the end of March 2024.

Learned advocate appearing for the petitioners submits that a decree of a civil suit between the parties, governs the parties. The Appellate Authority and the concerned Block Land and Land Reforms Officer concerned should be directed to decide the proceeding on the basis of the decree of the Civil Court. The Tribunal erred in not

directing the Appellate Authority in following the decree passed by the Civil Court.

We find from the impugned order that, the Tribunal, directed disposal of the appeal, in terms of the points involved in the appeal.

Consequently, all points taken by the parties were kept open to be decided in the appeal. Therefore, the point as to the applicability of the nature of the decree of Civil Court was kept open.

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

W.P.L.R.T. 94 of 2023 is disposed of without any order as to costs.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)