

18.08.2023
Item No.2
Ct. No.5
CHC
(disposed of)

W.P.L.R.T.98 of 2023

**Sri Pallab Biswas
Vs.
The State of West Bengal & ors.**

Mr. Supriyo Chattopadhyay,
Mr. D. Chatterjee
...for the writ petitioner

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

Ms. Rita Patra,
Ms. Pusmita Das
...for the private respondent no.5

The writ petition is directed against an order dated July 24, 2023 passed in O.A.2103 of 2023 by the West Bengal Land Reforms and Tenancy Tribunal.

By the impugned order, the Tribunal refused to grant interim protection on the ground that it is yet to receive the lower court records.

It opined that, the prayer for interim order would be considered after receiving the lower court records from the concerned authority.

The Tribunal fixed the Original Application on July 2, 2024.

Learned advocate appearing for the writ petitioner submits that writ petitioner will suffer irreparable prejudice in the event the order passed

under Section 54 of the Land Reforms Act, 1955 is implemented by the concerned B.L. & L.R.O during the pendency of the Original Application. He submits that, the concerned B.L. & L.R.O. should be directed to stay his hands till the disposal of the Original Application.

State and the private respondent no.5 are represented.

Learned advocate appearing for the private respondent no.5 submits that the question of grant of interim order does not arise since the order of the concerned B.L. & L.R.O. was already acted upon. She opposes the grant of prayer for interim protection.

We considered the rival contentions of the parties.

An order passed by the concerned B.L. & L.R.O. was assailed under Section 54 of the Act of 1955. The writ petitioner lost the appeal. Consequently, writ petition is before the Tribunal.

In the Original Application, the writ petitioner sought interim relief to the extent of directing the concerned B.L & L.R.O not to implement its order during the pendency of the Original Application.

Consideration of such prayer of the writ petitioner was postponed till receipt of the lower court records by the Tribunal. The Tribunal fixed the

Original Application under the heading “Motion” on July 2, 2024.

In the interregnum from the date of the refusal to pass interim order of the Tribunal till the Original Application is taken up as “Motion” by the Tribunal on July 2, 2023, there is every possibility of the concerned B.L. & L.R.O. acting in terms of the order subsisting, unless, he is directed not to act thereon.

In such circumstances, we are of the view that, the balance of convenience lies in favour of the writ petitioner in granting the interim protection that the writ petitioner seeks.

In such circumstances, the concerned B.L. & L.R.O will not act upon the order assailed before the Tribunal in the Original Application, until further orders by the Tribunal.

W.P.L.R.T. 98 of 2023 is disposed of without any order as to costs.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)