

In the matter of : Smt. Moni Halder

Mr. Arup Krishna Das ... for the petitioner

Heard Mr. Das learned counsel appearing on behalf of the petitioner.

This application challenges the judgement and decree passed by learned Additional District Judge, Fast Track, 2nd Court, Asansol in Title Appeal No. 43 of 2001 /07 of 2001. By the impugned judgement learned Appellate Court was pleased to affirm the judgement passed by the learned Trial Court rejecting the application under Section 8 of the West Bengal Land Reforms Act. The petitioner initiated the proceeding under Section 8 of the West Bengal Land Reforms Act to exercise his right for pre-emption as co-sharer but did not deposit the entire consideration money before the learned Trial Court.

Mr. Das with all fairness submits that in view of the judgement pronounced by the Hon'ble Supreme Court on this issue it is really difficult for the petitioner to tide over the situation. It goes without saying that mandate of the Hon'ble Apex Court is binding on all the Courts in the country, therefore, we cannot ignore the mandate that unless entire consideration money is deposited a proceeding under Section 8 of West Bengal Land Reforms Act cannot be maintained.

[See Barasat Eye Hospital and Ors. vs. Kaustabh Mondal

(2019) 9 SCC 767 & Abdul Matin Mallick vs. Subrata Bhattacharjee (Banerjee) & Ors. (2022) 7 SCC 147]

Under such circumstances, this revisional application merits no further consideration and is dismissed, however, without any order as to costs.

(Siddhartha Roy Chowdhury, J.)