

28.08.2023
Item No.16
Ct. No.5
CHC
(disposed of)

W.P.L.R.T.100 of 2023

Fazlur Rahaman Chowdhury
Vs.
The State of West Bengal & ors.

Syed Shamsul Arefin,
Ms. Madira Abedin
...for the petitioner

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

The writ petition is directed against an order dated July 13, 2023 passed by the West Bengal Land Reforms and Tenancy Tribunal in O.A.3178 of 2022.

By the impugned order, the Tribunal, directed the concerned Block Land and Land Reforms Officer to dispose of the representation of the writ petitioner in accordance with law keeping in view the vesting proceeding being 7A Case No. 281 of 1978 as expeditiously as possible and preferably within eight months from the date of communication of the order after giving fair and reasonable opportunity of hearing to the writ petitioner and other interested persons, if any.

Learned advocate appearing for the writ petitioner submits that the writ petitioner wants correction of record of rights in view of the subsisting order.

The Tribunal instead of directing the concerned B.L. & L.R.O. to correct the record of rights directed disposal of a representation and that too within a period of eight months. The writ petitioner is prejudiced by such a direction.

State is represented.

The writ petitioner applied for correction of record of rights. The issue as to whether, the application is required to be allowed or not on the basis of the contention of the writ petitioner is required to be determined. The concerned B.L. & L.R.O is the appropriate authority at the first stage to decide such an issue. The Tribunal thought it prudent that the concerned B.L. & L.R.O should consider such issue and dispose of the proceeding within eight months.

There may or may not be other persons who are interested in the land. Therefore, those interested persons are required to be heard by the concerned B.L. & L.R.O. In order to afford the B.L. & L.R.O adequate time to issue notice and hear those interested persons, the Tribunal in its wisdom fixed a limit of eight months from the date of communication of the order for the disposal of the representation for correction of the record of rights.

In such circumstances, we find no infirmity in the impugned order warranting an interference by

the High Court under Article 226 of the Constitution of India.

W.P.L.R.T. 100 of 2023 is disposed of without any order as to costs.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)