

05.09.2023
Item No.1
Ct. No.5
CHC
(dismissed)

W.P.L.R.T. 101 of 2023

**Farid Mondal & anr.
Vs.
The State of West Bengal & ors.**

Mr. S. P. Lahiri,
Mr. Keshab Chandra Das,
Ms. Aparajita Mondal,
Mr. Biplab Adak
...for the writ petitioners

Mr. Somnath Ganguli, Ld. A.G.P.
Mr. Sukalpa Seal
...for the State

Mr. Mrinal Kanti Ghosh,
Mr. Santimay Bhattacharya.
Mr. Ziaul Haque
...for the respondent nos.4 to 8

The writ petition is directed against two orders passed by the Tribunal. One is dated July 25, 2016. It was passed in an application for contempt. The other order is dated September 14, 2022.

The order dated July 25, 2016 requires the concerned Block Land & Land Reforms Officer to dispose of Misc. Case/01/LRTT of 2014 by a reasoned order after giving an opportunity of being heard to all concerned keeping in mind the true spirit of the order dated January 8, 2014 passed by the Tribunal.

The petitioners before us were parties to the proceedings in which the order dated January 8, 2014 was passed by the Tribunal.

It is the claim of the writ petitioners that, subsequent to the order dated January 8, 2014 an order was passed by the concerned B.L. & L.R.O which was in favour of the writ petitioners. Thereafter, subsequent to the order dated July 25, 2016, a fresh order was passed by the concerned B.L. & L.R.O which was against the writ petitioners.

State and the private respondents are represented.

Contempt jurisdiction was invoked at the behest of the private respondents. The first order under challenge is dated July 25, 2016. There is no explanation as to why, that order was not assailed within a reasonable period of time. The second order under challenge here is an order dated September 14, 2022. This was the final order of the Tribunal disposing of the contempt petition after recording that there was compliance of the order passed by the Tribunal dated January 8, 2014. Again, there is an element of delay involved. That apart, we find no reason to interfere with any of the two impugned orders passed in contempt jurisdiction ultimately recording satisfaction of compliance of an order passed by the Tribunal.

Nothing is placed on record to establish that, the original order passed by the Tribunal dated January 8, 2014, which was sought to be enforced before Tribunal was challenged, by the writ petitioners herein. The Tribunal recorded satisfaction of compliance of such order in the order dated September 22, 2022. Again nothing is placed before us as to why the Tribunal erred in recording such satisfaction.

Apparently, the writ petitioners before us are in a position to indulge in frivolous litigations and consume valuable time of the Court. Therefore, it would be appropriate to put the writ petitioners on terms. The writ petitioners will pay costs assessed at Rs.1,00,000/- (Rupees One Lakh) each to the West Bengal State Legal Services Authority, Kolkata within seven (07) days from date and submit documentary evidence of such payment with the District Magistrate, Paschim Medinipur. In the event, documentary evidence of such deposit is not made with the District Magistrate, Paschim Medinipur within the time stipulated, District Magistrate, Paschim Medinipur is directed to recover the costs imposed as arrears of land revenue.

Learned advocate for the State will communicate this order to the District Magistrate, Paschim Medinipur for compliance.

W.P.L.R.T. 101 of 2023 is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)