

06.09.2023
Item No.4
Ct. No.5
CHC
(disposed of)

W.P.L.R.T. 102 of 2023

**Niranjan Roy & ors.
Vs.
The State of West Bengal & ors.**

Mr. Bidyut Kiran Mukherjee, Sr. Advocate
Mr. Apares Sinha,
Mr. Gangaprasad Mukherjee
...for the writ petitioners

Mr. Soumitra Bandyopadhyay,
Mr. Anirban Sarkar
...for the State-respondents

The writ petition is directed against an order dated April 24, 2023 passed by the West Bengal Land Reforms and Tenancy Tribunal in O.A.2632/2014(MA-663/2021)(LRTT).

Learned Senior Advocate appearing for the writ petitioners submits that the order suffers from non-application of mind. Forest Department filed an application for addition of party being MA-663 of 2021 which was allowed without considering the records. He submits that, in the record of rights, the land in question was not recorded as forest land. Tribunal did not consider such document. Moreover, the Tribunal did not consider other relevant documents. He draws the attention of the Court to the contents of the impugned order. He submits that, the Original Application was directed against an order

refusing mutation of the names of the writ petitioners in the plot concerned while, in respect of other plots which are similarly situated and circumstanced, the Government recognized and allowed the mutation.

In course of hearing, learned Senior Advocate appearing for the writ petitioners submits that, the issue as to whether, the land in question is forest land or not and the issue as to whether, there is no right, title, interest of the forest department in respect of the land in question should be kept open for final decision.

State is represented.

By the impugned order, the Tribunal proceeded to add five forest officials as party respondents in the Original Application filed by the writ petitioner. The Original Application was directed against refusal to grant mutation in favour of the writ petitioner in respect of plot involved.

The parties who sought addition by way of MA 663 of 2021 which was allowed by the impugned order, claimed that, there are right, title and interest of the forest department in respect of the plot concerned.

The Tribunal added the applicants in MA 663 of 2021 as party respondents in the original proceeding. The Tribunal returned a finding that such applicants are necessary parties in the Original

Application given the scope and ambit and issues raised in the Original Application.

We find no fault in the Tribunal adding the applicants of MA 663 of 2021 in O.A.2632 of 2014. We, however, hasten to add that the issues as to whether, the land in question is a forest land and the issue as to whether, the forest department can legitimately claim any right, title and interest in respect of the plot concerned are issues which should not be taken as being finally decided by the Tribunal by the impugned order.

W.P.L.R.T. 102 of 2023 is disposed of without any order as to costs.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)