

05.07.2023
Item No.15
Ct. No.5
CHC
(disposed of)

W.P.L.R.T.130 of 2022

**Abul Hassan Gayen & anr.
Vs.
The State of West Bengal & ors.**

Mr. Mrinal Kanti Ghosh
...for the writ petitioners

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

The writ petition is directed against an order dated July 25, 2022 passed in O.A.482 of 2013 by the West Bengal Land Reforms and Tenancy Tribunal.

By the impugned order, the learned Tribunal held that the grievances of the writ petitioners of not getting copies of the vesting proceeding were satisfied during the pendency of the case and that, such grievances of the writ petitioners before the Tribunal were hit by the provisions of Section 10(1) of the West Bengal Land Reforms and Tenancy Tribunal Act, 1976 and therefore could not be entertained.

Learned advocate appearing for the writ petitioners submits that the predecessor-in-interest of the writ petitioners purchased the land in 1962. The writ petitioners are claiming title from 1962 purchase through several chain deeds of title. According to him, in 1962, the vesting as contended on behalf of the

State was not there. According to him, the State needs to consider the aspect of vesting, if there be any, in light of the rightful sale made by the big raiyat to the predecessor-in-interest of the writ petitioners.

Learned advocate appearing for the State draws our attention to the fact that there is proceeding under Section 14T(3) of the West Bengal Land Reforms Act, 1955 pending before the Revenue Officer where, the writ petitioners can agitate the points raised if they choose to.

We find substance in the contention of the State. There is in fact, a proceeding under Section 14T(3) pending. The writ petitioners are at liberty to raise their points before such Revenue Officer within a period of fortnight from date. It would be appropriate to request the Revenue Officer to conclude the proceedings within six months from the date of communication of this order to him.

With the aforesaid observations, W.P.L.R.T. 130 of 2022 is disposed of without any order as to costs.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)