

11 & 14
12.10.2023
KAUSHIK

MAT 1683 of 2023

CAN 1 of 2023

CAN 1 of 2023

Smt. Jharna Pradhan (Maity) & Ors.

Vs.

State of West Bengal & Ors.

With

MAT 1702 of 2023

Smt. Jharna Pradhan Maity & Ors.

Vs.

State of West Bengal & Ors.

Mr. Biswaroop Bhattacharya

Mr. Priyabrata Thakur

Ms. Sayani Das

Mr. Snehasis Dey

... for the appellants in both the appeals

Mr. N. C. Bihani

Ms. Papiya Banerjee Bihani

... for the DSDA

Mr. Jayanta Samanta

Mr. Manas Kumar Sadhu

... for the State

Two appeals are taken up for analogous hearing as they are at the instance of the same appellant.

Apparently, proceedings under the provisions of the West Bengal Public Land (Eviction of Unauthorised Occupants) Act, 1962 were initiated as against the appellants. Appellants filed a writ petition being WPA 27572 of 2022,

which was disposed of by an order dated December 14, 2022.

The appellants preferred an appeal from the order dated December 14, 2022 being MAT 3032 of 2022, which was disposed of by an order dated January 6, 2023.

The appellants, thereafter, approached the Writ Court by way of WPA 18324 of 2023 challenging an order passed by the Sub-Divisional Officer dated April 10, 2023. In such writ petition, the learned First Court took note of the fact that remedy by way of statutory appeal was available.

The appellants preferred an appeal from the judgment and order dated August 1, 2023 passed in WPA 18324 of 2023 being MAT 1702 of 2023, which is one of the appeals, being heard.

The appellants approached the Writ Court again by way of WPA 20944 of 2023, which was disposed of by an order dated August 25, 2023,. Challenge in the third writ petition was with regard to non-service of the report, which was considered by the Sub-Divisional Officer. The appellants being aggrieved by the order dated August 25, 2023, preferred in appeal being MAT 1683 of 2023, which is also being heard.

During the pendency of the two appeals, an

authority claiming to be Appellate Authority under the provisions of the Act of 1962 passed an order dated October 4, 2023.

In such conspectus, it would be appropriate that appellants are granted leave to pursue their remedies with regard to the order dated October 4, 2023, before the appropriate forum, in accordance with law.

It is the contention of the appellants that the order dated August 4, 2023 was passed beyond jurisdiction. It is the contention of the respondents in the two appeals that the appeals are not maintainable.

We are not minded to enter into the rival contentions of the parties in view that an order dated October 4, 2023 passed by an authority claiming to be the Appellate Authority exercising jurisdiction under the provisions of the Act of 1962 exists. It is for the appellants to take steps with regard thereto. Such order is not the subject matters of the two appeals before us.

We keep all points raised by the rival parties open to be adjudicated by the appropriate forum, if approached and if raised.

With the aforesaid observations, **MAT 1683 of**

2023 and **MAT 1702 of 2023** along with all connected application are disposed of without any order as to costs.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)