

Dd 08 03.10.2023

WPLRT 104 of 2023

***Nishi Kanta Bhaumik & Ors.
Vs.
The State of West Bengal & Ors.***

*Mr. Supratim Dhar,
Mr. N. Ahmmed, Advocates
... ... For the Petitioners*

*Mr. Somnath Ganguli, AGP
Ms. Priyamvada Singh, Advocates
... ... For the State*

The writ petition is directed against an order dated June 6, 2023 passed by the West Bengal Land Reforms and Tenancy Tribunal in OA 1319 of 2022.

By the impugned order, the Tribunal, noted that, the concerned Block Land and Land Reforms Officer disposed of Misc. Case No. 2 of 2010 under Section 50 of the West Bengal Land Reforms Act, 1955 in terms of the order dated December 14, 2022 and, therefore, the original application became infructuous.

The Tribunal, thereafter, proceeded to drop OA 1319 of 2022 and dispose it of with liberty to the writ petitioners to file an appropriate appeal, if so advised.

Learned advocate appearing for the writ petitioners submits that the writ petitioners approached the Tribunal at least five times for the purpose of getting the names of the writ petitioners mutated in the Record of Rights and for the purpose of cancellation of the patta issued. He submits that, in the round of litigations previous to the impugned order, the Tribunal

by an order dated June 16, 2014 required the concerned BL&LRO to take appropriate action for correction of LR Record of Rights in favour of the writ petitioners on the basis of Annexure-'C' to the original application within three months. He submits that such order remains uncomplied with.

State is represented.

We perused the original application. The prayers in the original application are as follows :-

"a) An order directing the Respondent No. 5 to dispose of the mutation applications of the applicants being no. 4107 of 2014, 4108 of 2014, 4109 of 2014, 4110 of 2014, 4111 of 2014.

b) An order directing the Respondent No. 5 to implement the order passed by the Hon'ble Tribunal in O.A. No. 762 of 2014 and mutate the name of the applicant of the suit plots mentioned paragraph 6.2 of this application.

c) An order directing the Respondents their man, agents, associates and each of them to certify and transmit in record and documents connected with the case before this Hon'ble Court so that conscionable Justice may be administered.

d) Order or further order as your Lordships may deem fit and proper."

Prayer '(b)' of the original application is yet to be considered and decided by the Tribunal. It is trite law that, the Tribunal cannot abdicate its jurisdiction in deciding the issues raised in the original application and remit the original application for decision by the appropriate authorities.

In the facts of the present case, there subsists an earlier order passed by the Tribunal in an earlier original application being OA 762 of 2014 requiring the concerned BL& LRO to act in a particular way. The writ petitioners approached the Tribunal, for relief with

regard to such order passed in OA 762 of 2014. The Tribunal was, therefore, vested with the jurisdiction to consider as to whether, the order of the Tribunal passed in OA 762 of 2014 was carried out or not. The Tribunal refused to look into such issues by the impugned order.

In such circumstances, we set aside the impugned order dated June 6, 2023 and remand OA 1319 of 2022 for hearing and decision by the Tribunal on merits.

Since the original proceeding is pending for a considerable period of time and there are subsisting orders of the Tribunal in previous litigations, it would be appropriate to request the Tribunal to hear and dispose of OA 1319 of 2022 preferably within a period of six months from the date of communication of this order.

WPLRT 104 of 2023 is **disposed of** without any order as to costs.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)