

12.09.2023
Item No.7
Ct. No.5
CHC
(disposed of)

W.P.L.R.T.106 of 2023

Aditya Kasat

Vs.

State of West Bengal & ors.

Mr. Utpal Majumdar,
Mrs. Anyapurba Banerjee,
Ms. Ananya Das

...for the writ petitioner

Mr. Soumitra Bandyopadhyay,
Ms. Suchana Banerjee

...for the State respondents

Mr. Bratin Kumar Dey,
Ms. Silpi Basu

...for the private respondent no.3

Affidavit-of-service filed in Court be taken on
record.

The writ petition is directed against an order
dated June 26, 2023 passed by the West Bengal Land
Reforms and Tenancy Tribunal in O.A.3967 of 2022.

Learned advocate appearing for the writ
petitioner submits that, the land belongs to the writ
petitioner. Land was declared to be a thika tenancy
behind the back of the writ petitioner. Writ petitioner
applied for recalling of such order. Such application is
yet to be decided. Writ petitioner approached the
Tribunal. The Original Application was adjourned
from time to time on one pretext or the other. The
private respondent no.3 in the meantime is making

construction and creating third party rights prejudicing the interest of the writ petitioner.

State and the private respondent no.3 are represented.

Learned advocate appearing for the private respondent no.3 submits that, the Original Application is not maintainable since, the writ petitioner did not prefer an appeal against the order passed by the Controller.

The issue as to the maintainability of the Original Application alongwith other issues raised therein, will no doubt be decided by the Tribunal. The Tribunal is yet to decide any issues finally.

Apparently, third party rights were created in respect of the property in question.

In such circumstances, it would be appropriate to direct the private respondent no.3 to inform all persons in favour of whom, the private respondent no.3 created or is creating any third party rights in respect of the property concerned as to the pendency of the Original Application before the Tribunal and as of this order, in writing.

The construction, if any, made at the locale, will abide by the result of the Original Application.

The Tribunal is requested to dispose of the Original Application as expeditiously as possible and preferably within three months from February 21,

2024 without granting any unnecessary adjournment to either of the parties.

W.P.L.R.T. 106 of 2023 is **disposed of** without any order as to costs.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)