

**IN THE HIGH COURT OF JUDICATURE AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE**

HEARD ON: 19.09.2023

DELIVERED ON: 19.09.2023

CORAM:

**THE HON'BLE CHIEF JUSTICE T.S. SIVAGNANAM
AND
THE HON'BLE MR. JUSTICE HIRANMAY BHATTACHARYYA**

**M.A.T. 1853 of 2023
Ramswarup Industries Limited & Anr.
Vs.
The State of West Bengal & Ors.**

Appearance:-

**Mr. Ratnanko Banerji, Sr. Adv.
Mr. Arindam Banerjee
Mr. Deepan Kr. Sarkar
Mr. Shounak Mitra
Mr. Zulfiqar Ali Alquaderi
Ms. Shivangi Thard**

.....for the appellants

**Mr. Amal Kr. Sen
Mr. Supratim Dhar
Ms. Indrani Nandi**

.....for the State

JUDGMENT

(Judgment of the Court was delivered by T.S. SIVAGNANAM, C.J.)

1. This intra-Court appeal by the writ petitioner is directed against the order dated 18th September, 2023 passed in W.P.A. 22280 of 2023. In the said writ petition, the appellants challenged a notice issued by the Revenue

Inspector, Gopalpur, Kanksa, Paschim Bardhaman dated 7th September, 2023 issued in the name of M/s. Vanguard Credit Holding Private Limited informing them that the land in question is to be measured on 19th September, 2023 at 12.00 p.m. and directing them to be present at the place mentioned in the said notice.

2. The learned Single Bench by the impugned order refused to grant any interim protection but directed affidavit in opposition to be filed by the respondents within a time frame. Aggrieved by such order, the appellants have preferred the present appeal.
3. The legal issue, which has been raised in the writ petition is as regards the effect of a Resolution Plan drawn under the provisions of the Insolvency and Bankruptcy Code qua the order of vesting passed under the provisions of the West Bengal Land Reforms Act.
4. It is the submission of the appellants that the proceedings for vesting commenced much after the Resolution Plan was drawn inasmuch as the impugned notice was issued on 25th August, 2022 in the name of Vanguard Credit Holdings Private Limited, who have no longer any interest in the matter since a Resolution Plan has been drawn and it is the appellants/writ petitioners, who are aggrieved.
5. The learned Government counsel on the other hand would submit that vesting proceedings commenced much earlier and the land stood vested with the Government free from all encumbrances in the year 1971 and the notice dated 7th September, 2023 is a follow up action initiated in terms of section 57 of the West Bengal Land Reforms Act.

6. The learned Single Bench by the impugned order has also noted the submission made on behalf of the respondent authorities that the appellants have already filed an application before the tribunal constituted under the provisions of the West Bengal Land Reforms Act challenging the proceedings initiated by the authorities.
7. In our view, though the legal issue has to be resolved in the pending writ petition, in the interregnum, the appellants should not be permitted to interdict the proceedings initiated under the provisions of the Land Reforms Act by seeking for an interim order in the present proceedings in the light of the fact that the appellants have already moved an application before the learned tribunal, which is now pending. However, if further proceedings are initiated pursuant to the notice dated 7th September, 2023, it may have other adverse consequences in the light of the Resolution Plan, which has been drawn under the provisions of the Insolvency and Bankruptcy Code. Therefore, the following order will meet the ends of justice.
8. Accordingly, the appeal stands disposed of by directing the appellants to file an application before the learned tribunal praying for appropriate interim orders and if such an application is filed, the learned tribunal is requested to hear the said application within a period of two weeks from the date on which the application is filed and to consider all issues, which may be raised before the tribunal after hearing the respondent authorities.
9. Consequently, the notice dated 7th September, 2023 shall remain stayed for a period of four weeks from the date on which a server copy of this order is received by the appellants.

10. It is made clear that we have not gone into the merits of the matter and it is needless to state that the learned tribunal shall take a decision on merits and in accordance with law uninfluenced by any observation made by the learned Single Bench in the impugned order or any observation made by us in this order.
11. No costs.
12. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(T.S. SIVAGNANAM)
CHIEF JUSTICE

I agree.

(HIRANMAY BHATTACHARYYA, J.)