

22.09.2023
Item No.11
Ct. No.5
CHC
(disposed of)

W.P.L.R.T.278 of 2014

**Sudhanwa Charan Pratihar
Vs.
The State of West Bengal & ors.**

Mr. Gopal Chandra Ghosh,
Mr. Sayan Sengupta
...for the petitioner

Mr. Lalit Mohan Mahata, Ld. A.G.P.
Mr. Ziaul Haque
...for the State

The writ petition is directed against an order dated March 5, 2014 passed in O.A.2516 of 2012 (LRTT) by the West Bengal Land Reforms and Tenancy Tribunal.

By the impugned order, the Tribunal directed the writ petitioner to prefer an appeal under Section 54 of the West Bengal Land Reforms Act, 1955 alongwith a prayer for condonation of delay under Section 5 of the Limitation Act, 1963 against the order of vesting and the State authorities were directed not to raise the plea of limitation.

Learned advocate appearing for the writ petitioner submits that, in Civil Suit being Title Suit No.223 of 1977, the writ petitioner was declared to be the owner of the plots concerned as against the State.

State was permanently restrained from interfering with the possession of the writ petitioner

in the plots concerned. He submits that, an appeal preferred against such decree for dismissed for default. The writ petitioner applied for correction of record of rights with the Block Land and Land Reforms Officer by a writing dated April 17, 2012. No order was passed by the B.L. & L.R.O. on such application. Thereafter, the writ petitioner approached the appellate authority being the Additional District Magistrate and District Land and Land Reforms Officer, Hooghly, who by a writing dated February 22, 2012 directed the writ petitioner to file a prayer under Section 57B(3) of the West Bengal Estate Acquisition Act, 1953 before the concerned B.L. & L.R.O. with necessary requisite for redressal. Thereafter, the writ petitioner approached the Tribunal where the impugned order was passed.

State is represented.

It appears from the records and it is being contended on behalf of the petitioner that the application for correction of the record of rights dated April 17, 2012 filed by the writ petitioner before the concerned B.L. & L.R.O. is yet to be disposed of.

In such circumstances, we set aside the impugned order of the Tribunal.

We direct the concerned B.L. & L.R.O. to consider and decide the application for correction of record of rights submitted on April 17, 2012 as

expeditiously as possible, preferably within a period of three months from the date of communication of this order to him.

Needless to say that, the concerned B.L. & L.R.O. will afford the writ petitioner an opportunity of hearing and will be at liberty to hear such other parties and consider such other documents he deems appropriate. He will pass a reasoned order which he will communicate to the writ petitioner forthwith.

W.P.L.R.T. 278 of 2014 is **disposed of** without any order as to costs.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)