

14.12.2023
Item No. 10
Court No.11
Avijit Mitra

WPLRT 120 of 2023

Srikrishna Patra & ors.
-Versus-
The State of West Bengal & ors.

Mr. Mahendra Prasad Gupta,
Mr. A.K. De
....for the petitioners
Mr. Somnath Ganguli,
Ms. Priyamvada Singh
...for the State respondents
Mr. Amit Baran Dash,
Ms. Ankana Sarkar
....for the respondent no. 6

Affidavit-of-service filed by the petitioners be
kept on record.

The present writ petition has been preferred
challenging an order dated 20th July, 2023 passed by
the learned Tribunal in the original application being
OA No.358 of 2018.

Mr. Gupta, learned advocate appearing for the
petitioners submits that prior to disposal of the title
suit preferred by the petitioners being T.S. No.197 of
2016, the learned Tribunal erred in law in relegating
the matter to the appellate authority to rehear the
same afresh.

Mr. Dash, learned advocate appearing for the
respondent no.6 submits that there is no infirmity in
the order impugned. As the initial order passed by the
appellate authority was not on merits, the same has

been rightly set aside and the matter has been relegated for reconsideration in the light of the judgment delivered in the writ application being WPLRT No.356 of 2014.

Mr. Ganguli, learned advocate appearing for the State respondents submits that there is no infirmity in the order impugned warranting interference of this Court.

Heard the learned advocates appearing for the respective parties and considered the materials on record.

The argument of Mr. Gupta that the learned Tribunal ought not to have relegated the matter for rehearing is not acceptable to us.

Upon considering the order impugned in the original application, the learned Tribunal had rightly set it aside as the same was not on merits and relegated the matter to the appellate authority for rehearing in the light of the judgment delivered by a coordinate Bench of this Court in a writ application being WPLRT No.356 of 2014.

In view thereof, no interference is called for and the writ application is dismissed.

There shall, however, be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the learned advocates for the parties.

(Gaurang Kanth, J.)

(Tapabrata Chakraborty, J.)