

17.07.2023
Item No.22
Ct. No.5
CHC
(dismissed)

W.P.L.R.T.263 of 2012

Haridas Malakar
Vs.
The State of West Bengal & ors.

Mr. Mukteswar Maity,
Ms. Manika Sarkar
...for the petitioner

The writ petition is directed against an order dated July 20, 2012 passed in O.A.177 of 2008.

By the impugned order, the learned Tribunal held that decree passed in civil suit, which was filed subsequent to Section 57B of the West Bengal Estate Acquisition Act, 1953 coming into effect, was not binding upon the State.

Admittedly, the civil suit, in which decree was passed in favour of the petitioner was filed subsequent to Section 57B of the Act of 1953 coming into effect. Section 57B prescribes an embargo on the filing of the civil suit in respect of the matters specified therein.

The civil suit in the present case falls within the category prohibited.

In such circumstances, we find no ground to interfere with the impugned order.

W.P.L.R.T. 263 of 2012 is dismissed without
any order as to costs.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)