

DL-13

WPLRT 193 of 2015

03.10.2023
Court No.5
(AD)

Sri Narayan Banerjee alias Narayan Chandra Banerjee
Vs.
Block Land and Land Reforms Officer & Ors.

Mr. Bhabani Prasad Mondal
Mr. Sukanta Mondal

... for the petitioner.

Mr. T.M. Siddiqui, Ld. AGP
Mr. Supratim Dhar

... for the State-respondents.

The writ petition is directed against an order dated November 19, 2014 passed by the West Bengal Land Reforms and Tenancy Tribunal in O.A-893/2012 (LRTT).

By the impugned order, the Tribunal found that, the application for mutation made by the writ petitioner was disposed of by concerned Block Land & Land Reforms Officer on May 19, 2010. In such circumstances, the Tribunal proceeded to dispose of the original application.

Learned Advocate appearing for the writ petitioner submits that, the order of the concerned Block Land & Land Reforms Officer is non-speaking. It does not decide the application for mutation. Certified copy of the order dated May 19, 2010 of the concerned Block Land & Land Reforms Officer does not specify as to whether the application for mutation was allowed or rejected. No reason was also ascribed. He refers to the relief sought

for in the original application. He submits that, the Tribunal instead of considering and deciding the request for mutation, on merits, proceeded to dispose of the original application on the basis of non-speaking order of the concerned Block Land & Land Reforms Officer dated May 19, 2010. He further submits that, the writ petitioner did not ask for any liberty to prefer any appeal from the order of the concerned Block Land & Land Reforms Officer and that, the recording in the impugned order to such extent is erroneous.

State is represented.

Learned Advocate appearing for the State submits that, the order dated May 19, 2010 passed by the concerned Block Land & Land Reforms Officer on the face of it, does not show the fate of the application for mutation.

It is trite law that, the Tribunal must decide the issues raised before it and not remit the matter to the authorities for consideration.

In the facts of the present case, the writ petitioner approached the Tribunal with a prayer for disposal of an application for mutation. The writ petitioner claims right to mutation on the basis of Civil Court's judgment and decree.

The concerned Block Land & Land Reforms Officer apparently passed an order dated May 19, 2010 on the application for mutation. Certified copy of such order

does not show the fate of the application for mutation that is to say whether such application for mutation was allowed or rejected.

In such circumstances, the Tribunal erred in noting the order of the concerned Block Land & Land Reforms Officer dated May 19, 2010 and dispose of the original application on such basis.

We, therefore, deem it appropriate to set aside the impugned order of the Tribunal dated November 19, 2014 and request the Tribunal to hear and decide the original application on merits.

The order of the concerned Block Land & Land Reforms Officer dated May 19, 2010 being non-speaking and on the face of it not disclosing the fate of the application for mutation, is quashed, as nullity.

The Tribunal is requested to dispose of the original application, preferably within a period of four months from the date of communication of this order.

WPLRT 193 of 2015 is disposed of without any order as to costs.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)

