

03.10.2023
Item No.24
Ct. No.5
CHC
(dismissed)

W.P.L.R.T.228 of 2013

Goutam Ghosh & ors.

Vs.

The State of West Bengal & ors.

Mr. Tanmay Chowdhury,
Ms. Ritoprita Ghosh

...for the writ petitioners

Mr. Kushal Chatterjee,
Mr. Oishik Chatterjee

...for the private respondents

By consent of the parties W.P.L.R.T.228 of 2013 is taken up for final hearing.

The writ petition is directed against an order dated April 26, 2013 passed by the West Bengal Land Reforms and Tenancy Tribunal in O.A.1757 of 2012.

By the impugned order, the Tribunal, directed the writ petitioners to deliver share of the produce beyond the year 2006-07 and up to the passing of the order dated April 12, 2010. The delivery of share of produce beyond April 12, 2010 was directed to be made with the Revenue Officer under Section 16 of the West Bengal Land Reforms Act, 1955 and Revenue Officer was directed to keep the same deposited under the revenue deposit head in favour of the parties till preemption appeals are disposed of.

It appears from the records that, the writ petitioners herein claim themselves to be bargadars in respect of plots of land purchased by the private respondents.

The writ petitioners filed a proceeding for preemption which was allowed by the order dated April 12, 2010. An appeal was carried against the order dated April 12, 2010 which is still pending.

The private respondents applied for share of their produce from the writ petitioners who claimed themselves to be bargadars. The application for share of produce ultimately received the consideration of the Tribunal as directed by the impugned order dated April 26, 2013.

The Court is informed, and such fact is not disputed that, in the interregnum, the writ petitioners did not deposit the share of produce as directed in terms of the impugned order.

In the present writ petition, it is the contention of the writ petitioners that, they are not liable to pay the share of the produce from the date of the initiation of the preemption proceedings. The Tribunal erred in directing payment of share of produce for the period subsequent to the filing of the preemption proceeding.

Preemption proceeding was initiated in the year 1993 and received finality before the competent authority on April 12, 2010.

Section 9(4) of the Act of 1955 read with Section 10 thereof, prescribe that, where a portion of share of a plot is transferred to any person under sub-section (1) of Section 9, such person shall be liable to pay all shares of revenue in respect of such portion or share of the plot of land that may be outstanding on the date of the order.

In the facts and circumstances of the present case, the date of the order is April 12, 2010. Therefore, the writ petitioners were liable to pay for the share of the produce as bargadars till April 12, 2010. The Tribunal directed the writ petitioners to do so. The Tribunal tried to protect the writ petitioners for the subsequent period also.

The Court is informed, the writ petitioners did not comply with the order of the Tribunal.

In such circumstances, we find no merit in the present writ petition.

W.P.L.R.T. 228 of 2013 is dismissed without any order as to costs.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)