

13.12.2023
rpan/07

WPLRT 124 of 2023
Bisnu Pada Patra & Another
– *Versus* –
State of West Bengal & Others

Mr. Samiran Giri,
Mr. Sunil Baran Chanda
... for the Petitioners.
Mr. Somnath Ganguli,
Ms. Priyamvada Singh
... for the State.
Mr. Balaram Pandit (through V.C.),
Mr. Krishna Deo Das
... for the Private Respondent nos.4-8.

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

The present writ petition has been preferred challenging an order dated 12th October, 2023 passed in the original application, being O.A 2978 of 2023 (LRTT).

Mr. Giri, learned advocate appearing for the petitioners submits that the petitioners approached the learned Tribunal challenging the inaction on the part of the competent authority to dispose of the petitioners' application for annulment of *patta*. The learned Tribunal instead of issuing necessary direction upon the concerned respondent to consider the said application for annulment of *patta*, called for affidavits from the parties and fixed the matter for hearing on 12th February, 2024.

Mr. Pandit, learned advocate appearing for the private respondent nos.4-8 opposes the petitioners' prayer and submits that the present writ petition is not maintainable.

Mr. Ganguli, learned advocate appearing for the State respondents submits that from the averments it would be explicit that the petitioners are post vesting purchasers and since disputed questions of fact are involved, the learned Tribunal rightly called for affidavits from the parties.

In reply, Mr. Giri submits that the petitioners have purchased the land from the vendors, whose right has been confirmed on the basis of the judgment and decree delivered in a title suit, being Title Suit no.55 of 1972.

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

Considering the submissions advanced by the parties and as disputed questions of fact were involved, the learned Tribunal thought it fit to call for affidavits, moreso when the private respondents prayed for liberty to controvert the statements made in the original application by filing an affidavit-in-opposition.

We do not find any infirmity in the order impugned and as such, the writ petition, being WPLRT 124 of 2023 is dismissed.

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

Urgent photostat certified copy of this order, if applied for, be supplied to the parties, upon compliance of all requisite formalities.

(Gaurang Kanth, J.)

(Tapabrata Chakraborty, J.)