

DL-5

29.08.2023
Court No.5
(AD)

WPLRT 174 of 2022

**Rabiul Hossain
Vs.
The State of West Bengal & Ors.**

Md. Sarwan Jahan

... for the petitioner.

*Mr. Rwitendra Banerjee
Mr. Shibasis Chatterjee*

... for the respondent no.7

The writ petition is directed against an order dated October 31, 2022 passed by the West Bengal Land Reforms and Tenancy Tribunal in M.A. 831 of 2022 filed in O.A. 2415 of 2021.

The entire proceedings emanated out of an application for correction of the record of rights filed by the writ petitioner before the concerned Block Land & Land Reforms Officer.

The application for correction of the record of rights was, *inter alia*, founded upon a decree passed in a civil suit. Acting on such decree passed in the civil suit, the concerned Block Land & Land Reforms Officer as also the District Land & Land Reforms Officer on appeal took a particular view. The view of the District Land & Land Reforms Officer was assailed before the Tribunal. There was also a previous writ petition directed against an order passed by the Tribunal.

Be that as it may, in our view, interest of justice would be sub-served by setting aside all orders of the Block

Land & Land Reforms Officer and District Land & Land Reforms Officer including the Tribunal passed in respect of the proceedings for correction of the record of rights and by remanding the matter to the concerned Block Land & Land Reforms Officer for consideration afresh.

The application of the writ petitioner for correction of the record of rights will be considered and decided by the concerned Block Land & Land Reforms Officer without being persuaded by any of the observations made by the concerned Block Land & Land Reforms Officer or the District Land & Land Reforms Officer or the Tribunal or this Court. All contentions of the parties are kept open.

No doubt, the concerned Block Land & Land Reforms Officer will afford a reasonable opportunity of hearing to the writ petitioner as also the parties that may be affected and claiming right in respect of the property concerned. He is at liberty to hear such other parties and consult such documents as he deems appropriate. He will pass a reasoned order and communicate the same to the parties forthwith thereafter.

It is expected that the entire exercise is concluded within a period of three months from date.

WPLRT 174 of 2022 is disposed of without any order as to costs.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)

