

03
14.06.2023
KAUSHIK

WPLRT 175 of 2022

Abdul Kader Mondal
Vs.
The State of West Bengal & Ors.

Mr. Ejaz Hossain
... for the petitioner

Mr. Chandi Charan De
Mr. Supratim Dhar
Mr. Anirban Sarkar
... for the State

The challenge in the writ petition is directed towards an order dated August 8, 2022 passed by the West Bengal Land Reforms and Tenancy Tribunal in O.A. No. 133 of 2019.

By the impugned order, the learned Tribunal rejected the original application on the ground of explicit bar under Section 44(2a) of the West Bengal Estate Acquisition Act in converting the record of rights from 'bastu' to 'pond'.

The contention of the writ petitioner is that, a large portion of the plot concerned is a water body and should be recorded as such in the record of rights. The application was under the West Bengal Land Reforms Act, 1955.

In view of such contention and the impugned order of the learned Tribunal, the Coordinate Bench required the

learned advocate for the State to take instructions. On June 7, 2023, learned advocate appearing for the State submitted a report dated May 26, 2023, which was taken on record. On perusing the report, we deemed it appropriate that the concerned Block Land and Land Reforms Officer (BL&LRO) should hold physical inspection of the plot and make a video photography with regard thereto.

Report as called for by the order dated June 7, 2023 along with pen drive containing the video photography of the inspection filed in Court be taken on record.

We perused the report dated June 12, 2023 as also the video recording of the inspection.

The report dated June 16, 2023 speaks of an water body in a portion of the land concerned. The video photography also suggest that there subsisted a water body on the plot concerned.

Conversion of user of land is permissible under the provisions of Section 4C of the West Bengal Land Reforms Act, 1955.

In such circumstances, the concerned District Land and Land Reforms Officer (DL&LRO) will consider the original application being O.A. No. 133 of 2019 along with its

annexures as an application under Section 4C of the Act of 1955. He will afford an opportunity of hearing to the writ petitioner. He will afford reasonable opportunity of hearing to all the co-sharers of the plot concerned. He is at liberty to consider such documents and hear such parties that he deems appropriate. He will pass a reasoned order and communicate the same to the writ petitioner and all the co-sharers of the plot concerned. It is expected that the concerned DL&LRO completes the entire exercise within the period of six weeks from the date of communication of this order.

The impugned order dated August 8, 2022 is set aside.

WPLRT 175 of 2022 is disposed of accordingly without any order as to costs.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)