

15-03-2023

ct no. 13

sl. 368

sp

WPA 24484 of 2012
With
CAN 1 of 2013 (Old CAN 1757 of 2013)
Sri Radhashyam Das Adhikary & Anr.
-Versus-

The State of West Bengal & Ors.

Mr. J.C. Das,
Mr. B.K. Das

...for the petitioners

Supplementary affidavit filed in Court today is
taken on record.

The respondents are not represented.

An application has been filed for vacating the interim order dated November 26, 2012. It appears from the writ petition that the petitioners have obtained a decree from the learned 1st Court of the Munsef at Midnapur in T.S. No. 49 of 1978. By the judgement and decree passed on contest, the plaintiffs' right, title and interest of 16 anas of land and possession has been declared. The defendants including the State and the private respondents have been permanently enjoined from interfering with or disturbing the peaceful possession of the plaintiffs. The said order was challenged in an appeal by the State and the appeal was dismissed

Additional District Judge, 3rd Court at Midnapur on August 17, 1987 in T.A. No. 187 of 1982.

The petitioners applied for correction of the records of right before the BL & LRO, Sabong, Paschim Medinipur. In a writ petition being W.P. 7118 (W) of 1990, a Co-ordinate Bench of this Court had directed the BL & LRO to correct the records in terms of the decree referred to hereinabove. It was further ordered that till correction is made, the possession of the petitioners to the land in question should not be disturbed by the respondents. The petitioners sought enforcement of this order against the BL & LRO before the West Bengal Land Reforms and Tenancy Tribunal in O.A. No. 3494 of 2007. The said O.A. was disposed of by order dated April 19, 2011, directing the BL & LRO to dispose of the petitioners' application for rectification of records.

The matter is still pending before the BL & LRO. When the writ petition was moved, an interim order was passed by this Court directing the Officer-in-Charge, Sabong Police Station, Paschim Medinipur to ensure the petitioners' possession is not disturbed therefrom. The private respondents continue to disturb the petitioners' possession.

In the application for vacating the said interim order being CAN 1757 of 2013, no tenable defence

has been advanced by the private respondents to the prayers made in the writ petition.

In the aforesaid circumstances, this Court directs the BL & LRO, Sabong, Paschim Medinipur to forthwith take a decision in terms of the decree of the Civil Court as described hereinabove.

This Court is surprised that the BL & LRO, Sabong has not taken a decision despite orders of this Court passed in writ petitions as also the LRTT.

It is ordered that the BL & LRO, Sabong shall take a decision in the matter, of the rectification of the records of right in favour of the petitioners as applied by them, within a period of one month from date, mandatorily and positively.

The Sabong Police Station shall deploy a team of 3 constables at the petitioners' land upon payment of costs by them. The costs for deploying such constables for a period of one month, shall be communicated to the petitioners by the Sabong Police Station, within a period of 3 days from the date of receipt of a copy of this order.

With the aforesaid observations, the instant writ petition along with connected application shall stand disposed of.

There shall be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)