

13.09.2023
Item No.8
Ct. No.5
CHC
(dismissed)

W.P.L.R.T.253 of 2013
IA NO: CAN/1/2023

Sri Susanta Sain
Vs.
The State of West Bengal & ors.

Mr. Panchanan Hajra
...for the writ petitioner

Mr. Somnath Ganguli, Ld. A.G.P.
Mr. Sukalpa Seal
...for the State

Mr. Anindya Lahiri
...for the private respondents

In Re: CAN/1/2023

CAN/1/2023 is an application for
restoration.

For the ends of justice and on the basis of
the pleadings made in the application, the order of
dismissal dated August 14, 2023 is recalled.

CAN/1/2023 is **allowed**.

W.P.L.R.T.253 of 2013 is restored to its
original file and number.

In Re: W.P.L.R.T.253 of 2013

The writ petition is directed against an order
dated July 24, 2013 passed by the West Bengal Land
Reforms and Tenancy Tribunal in O.A.2306 of 2011
(LRTT).

By the impugned order, the Tribunal noted that the private parties were bound by a decree passed by a Civil Court. Consequently, the Tribunal directed the concerned Block Land and Land Reforms Officer to correct the record of rights in favour of the original applicants in terms of the order dated February 18, 2010 passed by the B.L. & L.R.O within 15 days from the date of communication of the order.

Learned advocate appearing for the writ petitioner submits that, the writ petitioner purchased the immovable property concerned by a registered deed. Such deed was never cancelled by either of the parties or by any Court of law. Consequently, the writ petitioner is entitled to be mutated in the record of rights on the basis of registered deed of conveyance existing in favour of the writ petitioner.

State is represented.

It appears from the records that, the original owner, executed two deeds in respect of the same immovable property. One was a deed of mortgage in favour of the private respondents and the other was a deed of sale in favour of the writ petitioner herein. The issue as to the validity and legality of the deed of mortgage executed by the original owner in favour of the private respondents was made a subject-matter of a civil suit filed at the behest by the private respondents in the First Court of Munsif, Hooghly,

being Title Suit No.59 of 1988. The writ petitioner was a party defendant in such suit. Such suit was decreed in favour of the private respondents. The deed of mortgage was upheld.

Consequently, the private parties are bound by the decree passed by the Civil Court.

In such circumstances, the Tribunal did not err in directing the concerned Block Land and Land Reforms Officer to act in terms of the subsisting Civil Court decree in respect of the plot concerned.

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

W.P.L.R.T. 253 of 2013 is **dismissed** without any order as to costs.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)