

In the High Court at Calcutta

Circuit Bench at Jalpaiguri

**Constitutional Writ Jurisdiction
Appellate Side**

WPA 1037/2023

**Hiran Kumar Biswas
-versus-
The State of West Bengal & Ors.**

Mr. D. Kundu,Adv.
....for the petitioner.

Mr. Bikramaditya Ghosh,Adv.
Ms. Bedashruti Bose,Adv.
...for State.

Mr. Pretom Das,Adv.
...for Maynaguri
Municipality.

Counsel for the petitioner and the Counsel for the respondents are present. The petitioner has filed affidavit of service. Let the same be kept with the record. The petitioner has filed the present writ application praying for a direction upon the respondent nos. 3 and 4 not to take any steps in terms of the notice dated 4th April, 2023. The respondent no. 3, i.e. the Block Land & Land Reforms Officer, Maynaguri Block had issued a notice under Section 57 of the Land and Land Reforms Act, 1955 for correction of record of the landed property of the petitioner. The petitioner has challenged the said notice and submits that the petitioner is the recorded tenant of the property in question and the same cannot be

taken by the authorities as the petitioner is in occupation of the said property since 1995.

Learned Counsel for the respondent submits that the respondent no. 3 had only issued the notice under Section 57 for giving an opportunity of hearing to the petitioner. The petitioner without taking the benefit of opportunity of hearing, has filed the present writ application. Counsel for the respondent further submits that the petitioner has also initiated a suit before the Civil Court and the same is pending for adjudication.

Considered the submissions of the respective parties, this Court finds that the respondent no.3 had issued the notice dated 4.4.2023 under Section 57 of the Act of 1955. Section 57 provides for enforcing attendance, discovery and production of documents, receiving evidence on affidavit etc. The petitioner is at liberty to appear before the respondent no. 3 and to place all the grievances before the respondent no. 3. This Court finds that as the respondent no. 3 had issued notice to the petitioner under Section 57 and, as such, it would be appropriate that the respondent no. 3 shall dispose of the proceeding in accordance with law.

The writ petition is directed to appear before the respondent no. 3 and to produce all the grievances before the respondent no. 3 and the respondent no. 3 is directed to consider the documents and the

submissions, if any, made by the petitioner and to pass a reasoned and speaking order in accordance with law.

In view of the above, WPA No. 1037/2023 is thus disposed of.

(Krishna Rao, J.)