

09-08-2023
Court No.2
Sh/10.

**In The High Court At Calcutta
Jalpaiguri Circuit Bench**

W.P.A. 1652 of 2023

**Kumar Bahadur Chhetri @ Hem Singh Paurel
-Vs-
State of West Bengal & Ors.**

Mr. Narendra Nath Das,
Mr. Subhas Prasad,
Ms. Binapani Singha

..For the Petitioner.

Mr. Momenur Rahaman,
Mr. Gopal Sah,
Mr. Bikash Singh.

.. For the respondent no.6.

Mr. Hirak Barman,
Mr. Pretom Das..... For the State.

Affidavit of service filed in Court today be taken
on record.

The petitioner pleads violation of natural justice.
It is submitted on behalf of the petitioner that in an
appeal preferred under Section 54 of the West Bengal
Land Reforms Act, 1955 by the private respondent, an
order was passed by the appellate authority on 22nd
September, 2022 without granting an opportunity of
hearing to the petitioner.

It appears from the order impugned dated 22nd
September, 2022 and is also submitted on behalf of
the respondents that the order reflects that notice of
appeal was served upon all interested parties including
the petitioner despite which the petitioner remained
absent at the time of hearing.

The petitioner intends to challenge the order
impugned on merits.

The matter pertains to the West Bengal Land Reforms Act, 1955.

Learned counsel for the petitioner seeks to withdraw the writ petition and approach the appropriate forum for redressal of the grievance of the petitioner.

In view of the above, the writ petition being WPA 1652 of 2023 is dismissed for non prosecution.

Liberty is granted to the petitioner to approach the appropriate forum for redressal of his grievance.

In the event, the petitioner prefers the statutory appeal within three weeks from date, the appellate authority is directed to deal with the appeal on merits without dismissing the same on the ground of limitation upon affording reasonable opportunity of hearing to all the interested persons including the petitioner and the private respondents, in accordance with law.

There shall however be no order as to costs.

Urgent certified website copy of this order, if applied for, be supplied to the parties expeditiously on compliance of all requisite formalities.

(Suvra Ghosh, J.)