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07.03.2024
Ct. No. 11
rrc

WPLRT 21 of 2024
(Sri Abhijit Chowdhury Vs. The State of
West Bengal & Ors.)

Mr. Mohinoor Rahaman
Ms. Maria Rahaman
Ms. Iqra Rahaman

..... For the petitioner

Md. T. M. Siddiqui, Ld. Addl. Govt. Pldr.
Ms. Asmita Chakraborty

.... For the State

Mr. Sukanta Das

.... For the respondent no. 4

Legality of the order dated 21st January, 2024 passed by the learned Tribunal in an original application being OA No. 293 of 2023 (LRTT) has been called in question in this writ petition.

The facts, in a nutshell, are that the petitioner presented an application before the B.L. & L.R.O. concerned for recording his name in respect of certain lands under L.R. Khatian no. 226 appertaining to Mouza- Sasageria, J.L. No. 009, P.S. – Chdrakona, District.- Paschim Medinipur on the basis of a registered deed vide. no. 5448 dated 02.06.1971. Upon receipt of such application, a proceeding *vide.* case No MN/2022/1026/262 under Section 50 of West Bengal Land Reforms Act, 1955 (in short, the Act of 1955) was initiated by the B.L. & L.R.O. concerned and by an order dated 07.01.2022/03.02.2022, petitioner's prayer was acceded to.

Aggrieved by the order passed by the B.L.& L.R.O, one statutory appeal under Section 54 of the Act of 1955 being L.R.P. no. 187/2022 was preferred by the respondent no. 4 herein before the concerned DL&LRO along with an application seeking condonation of delay in preferring the said appeal. By an order dated 29.11.2002, the appellate authority rejected the application for condonation of delay. As a result, the appeal was not admitted.

Assailing the order passed by the appellate authority, an original application being OA 293 of 2023 (LRTT) was preferred by the respondent no. 4 herein, which was disposed of by the order impugned in the writ petition.

Mr. Rahaman, learned advocate representing the petitioner contends that the appeal and the application for condonation of delay in preferring the said appeal are not at all maintainable and as such, the learned Tribunal has committed error in remanding back the application for condonation of delay to the appellate authority with a direction to consider afresh. He argues that certain observations have been made by the learned Tribunal on the merits of the application.

Mr. Siddiqui, learned AGP along with Mr. Dhar enters appearance on behalf of the State.

Mr. Das, learned advocate representing the private respondent no. 4 in his attempt to rebut the claims of MR. Rahaman asserts that there is no scope to interfere with the order impugned in the writ petition.

Heard the learned advocates appearing for the respective parties. Perused the materials on record.

From the order impugned, it is explicit that the order passed by the appellate authority on the application for condonation of delay has been set aside and the matter has been remanded back to the appellate authority with a direction to consider the application for condonation of delay afresh. We do not find any infirmity or any error, least to say any patent error in the order impugned warranting interference of this Court.

However, we make it clear that the appellate authority shall consider and decide the application for condonation of delay without being influenced by any of the observations made by the learned Tribunal in the original application being OA No. 293 of 2023 and the parties shall be at liberty to raise all their contentions before the appellate authority which will be considered on merits.

With the above observation the writ petition stands disposed of.

There shall, however, be no order as to costs.

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

(Partha Sarathi Chatterjee, J.) (Tapabrata Chakraborty, J.)