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30.07.2024
Ct. No. 11
rrc

WPLRT 28 of 2024
(Sk Arfan & Anr. Vs. The State of West
Bengal & Ors.)

Mr. Dinesh Pani
.... For the petitioners

Mr. Supratim Dhar
Mr. Amritlal Chatterjee
..... For the State

Mr. Mrinal Kanti Ghosh
Mr. Saunak Mandal
Mr. Jayanta Dey
..... For the respondent no. 4

Throwing a challenge to the justifiability of the order dated 19th December, 2023 passed by the learned Tribunal in the Original Application (in short, OA), being OA 2143 of 2022, the present writ petition has been instituted.

Mr. Pani, learned advocate representing the petitioners, submits that based on an application made by the private respondent, a proceeding *vide* Misc. Case No. 186 of 2021, was initiated under Section 50(1) of the West Bengal Land Reforms Act, 1955 (hereinafter referred to as 'the said Act'). Subsequently, the private respondent filed another application on the same cause of action and seeking the same relief. Despite the fact that a proceeding on the same issue was already pending, the B.L.&L.R.O. started a new proceeding, being as Misc. Case No. 35 of 2022.

He further contends that the pendency of two proceedings on the same issue was brought to the attention of the learned Tribunal, but the Learned Tribunal glossed over the same.

Instead, by the order currently under scrutiny in this writ petition, the Tribunal directed the B.L. & L.R.O. to dispose of Misc. Case No. 35 of 2022 within a specific time frame. According to him, such a directive from the learned Tribunal cannot be sustained.

Mr. Dhar, learned advocate, representing the State respondents, submits that initially, the private respondent sought for rectification of record of rights through newly introduced *e-Bhumi* portal and based on this online application, the Misc. case no. 186 of 2021 was initiated. Subsequently, the private respondent submitted a manual application under Section 50(1)(f) of the 1955 Act for correction of record of rights, which led to initiation of a subsequent proceeding, being Misc. case no. 35 of 2002.

Mr. Ghosh, learned advocate, representing the private respondent, submits that the private respondent is only interested in rectification of record of rights and that may be done in any of the proceedings. He urges that a direction be given to resolve the issue raised by the private respondent. He submits that if the issue is resolved in the first proceeding, there shall be no need to pass any order in the subsequent proceeding.

Heard the learned advocates, appearing for the respective parties and perused the materials on record.

However, from the contentions canvassed by the respective parties, it is apparent that two proceedings are pending before the B.L. & L.R.O. on the same issue. In view thereof, the B.L. & L.R.O. is directed to resolve the issue raised by the parties by issuing a reasoned order, after affording an opportunity for

hearing to all interested persons. The reasoned decision shall be communicated to them. The B.L. & L.R.O. may decide the issue in any one of the proceedings and drop the other.

The entire exercise shall be completed within a period of 8 (eight) weeks from the date of receipt of this order.

Until such decision is taken by the B.L. & L.R.O. and the same is communicated to the parties, the parties shall maintain *status quo* with regard to the nature, character and possession of the lands in question.

With these observations and directions, the writ petition is 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.)