

19.03.2024
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WPLRT 33 of 2024

Syed Aktara Banu & Others

– *Versus* –

The State of West Bengal & Others

Mr. P. P. Roy,

Mr. Dyutiman Banerjee

... for the Petitioners.

Ms. Sujata Mukherjee

... for the State-Respondents.

Assailing the order 9th January, 2024 passed by the learned Tribunal in O.A. 3624 of 2023 (LRTT), this writ petition has been instituted.

Mr. Roy, learned advocate representing the petitioners contends that the subject plots of land were recorded in R. S. record of rights as '*hat*'. Drawing our attention to the provisions of Section 4 and 5 of the West Bengal Estates Acquisition Act, 1953 (in short, the Act of 1953), he strenuously contends that the subject plot of land is non-agricultural land and the same was retained by the intermediary in terms of Section 6(1) of the Act of 1953. According to Mr. Roy, for these reasons, the land and the *Shariati* interest appurtenant thereto cannot be declared to be vested in the State. He argues that in derogation of the settled principles of law, the BL&LRO concerned has issued a notice under Section 51A(4) read with Section 57 of the West Bengal Land Reforms Act, 1955 with a view to change the entry in the record-of-rights. He submits that the notice and the action or actions, if taken basing upon such notice, be stayed.

Ms. Mukherjee, learned advocate appearing for the State submits, upon instruction, that the proceedings in connection with which the notice was issued has already been disposed of by passing an order dated 17th November, 2023. She asserts that the order dated 17th November, 2023 was passed prior to the date of presentation of the original application before the learned Tribunal. The written instruction along with all annexures thereto, as produced by Ms. Mukherjee, is taken on record.

Since the proceedings in connection with which the notice was issued has already been disposed of and final order has been passed, we are not inclined to interfere with the order impugned in the writ petition. Consequently, the writ petition is dismissed. There shall be no order as to the costs.

However, it is made clear that this order shall not preclude the petitioners to take appropriate steps before the competent authority in accordance with law.

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

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