

15.03.2024
Item No.03
Court No.11
Avijit Mitra

WPLRT 44 of 2024

In re: An application under Article 226 of the Constitution of India;

And

Manas Patra & ors.
- Versus -
The State of West Bengal & ors.

Mr. Sujit Kumar Rath,
Mr. Sukumar Sarkar
....for the petitioners
Mr. Somnath Ganguli, Ld. A.G.P.,
Ms. Priyamvada Singh
...for the State respondents

Affidavit-of-service filed by the petitioners be kept on record.

This writ petition has been preferred challenging an order dated 19th February, 2024 passed by the learned Tribunal in O.A. 06 of 2024.

Mr. Rath, learned advocate representing the petitioners submits that praying for correction of record of rights of R.S. Plot Nos.4092 and 2418 under R.S. Khatian No.374/1 of Mouza Amta, J.L. No.143, District-Howrah, the petitioners made an application before the respondent no.4 on 24th March, 2017 but despite receipt of such application, the same was left unattended. Being aggrieved by the inaction on the part of the Block Land and Land Reforms Officer, Amta-1 in considering the said application, the petitioners approached the learned Tribunal by preferring an original application being O.A. 2058/2019 which was disposed of

by an order dated 11.03.2022. In the order dated 11.03.2022, though an observation was made that subject lands were vested to the State yet liberty was given to the applicants *'to file fresh representation on the selfsame cause of action before the Block Land and Land Reforms Officer, Amta-1, Howrah based on relevant documents, if any within 4 weeks from the date of obtaining certified copy of the instant order'* with a further direction to dispose of the same in manner prescribed in the order. Pursuant thereto, the earlier representation was withdrawn and as per liberty granted, the petitioners made a fresh representation on 23rd March, 2022. By this time also, in spite of receipt of such representation, no effective steps have been taken to decide the same. Accordingly, the petitioners were constrained to approach the Tribunal again by preferring another original application being O.A. No.6 of 2024 which was taken up for hearing on 19th February, 2024 and the next date of hearing of the original application was fixed on 12th December, 2024.

Mr. Rath further submits that he made an innocuous prayer before the learned Tribunal for a direction upon the concerned respondent to consider their fresh representation submitted in terms of the order dated 11.03.2022.

Mr. Ganguli, learned Additional Government Pleader appearing for the State respondents denies and disputes the contention canvassed by the petitioners.

In such sequence of facts, with consent of the parties, we dispose of the writ petition as well as the original application directing the respondent no.4 to dispose of the representation of the petitioners dated 23rd March, 2022, in accordance with law

after affording an opportunity of hearing to the petitioners and other interested person or persons, if any, by passing a reasoned order within a period of twelve weeks from the date of receipt of copy of this order along with the copy of the original application. The respondent no.4 is directed to communicate his decision to the petitioners within 2 weeks from the date of taking such decision.

It is made clear that we have not gone into the merits of the petitioners' claim and all points are kept open to be decided by the respondent no.4.

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

Urgent Photostat certified copy of this judgment, if applied for, shall be granted to the parties as expeditiously as possible, upon compliance of all formalities.

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

