

02.12.2024

Item No. 38

Crt.No.02

b.r.

WPA 8499 of 2024

***Smt. Sona Mejhan @ Sonamoni Mejhan @
Sonamoni Hembram & Ors.***

-vs-

The State of West Bengal & Ors.

Mr. Pradip Saren

Mr. Soumik Ghosh

Mr. Saheli Hembrom

.... For the petitioners.

Mr. Supratim Dhar

Mr. Amritlal Chatterjee

.... For the State.

Mr. D.N. Chatterjee

Mr. Madhusudan Mondal

.... For the private Resp. no.5.

Affidavit of service filed in Court today, is
taken on record.

Mr. Soumik Ghosh, learned counsel appears
for the petitioners.

Mr. Amritlal Chatterjee, learned advocate led
by Mr. Supratim Dhar, learned Senior counsel
appears for State-respondent nos. 1 to 4.

Mr. Madhusudan Mondal, learned counsel
appears for private respondent no.5.

Through this writ petition, the petitioners in
effect claim correction of Record of Rights (ROR).

Learned counsel for the petitioners submit that the jurisdictional Civil Court has already confirmed the title of the land in favour of the petitioners, still the respondent no.4 has not corrected the ROR.

Learned Senior Counsel appearing for the State takes the point of maintainability of this writ petition on the ground that the jurisdictional Land Reforms and Tenancy Tribunal is the statutory appropriate authority to decide the dispute in this writ petition.

Learned counsel appearing for the private respondent no.5 has also opposed the writ petition on the same count.

In view of the above, since there is an existence of a statutory appellate authority being the jurisdictional Land Reforms and Tenancy Tribunal, the petitioners shall be at liberty to file an appropriate application before the jurisdictional Tribunal within a period of **four weeks** from date.

In the event, such application is filed before the jurisdictional Tribunal, the same shall be registered on the same day itself. The jurisdictional Land Reforms and Tenancy Tribunal then after granting an opportunity of hearing to the parties to the application shall dispose of the same in

accordance with law by passing a reasoned order preferably within a period of **four months** from the date of registration of the application without granting any unnecessary adjournment to the parties.

It is made clear that this Court has not gone into the merits of the claim of the petitioners and the petitioners shall be at liberty to urge whatever points they wish to urge by relying upon whatever records and documents they wish to rely upon before the jurisdictional Tribunal.

In the event, the reasoned order goes in favour of the petitioners then the appropriate State authority shall take all necessary and consequential steps and give an immediate effect to the said reasoned order but positively within a period of **four weeks** from the date of communication of the reasoned order to such appropriate State authorities.

It is also made clear that this order shall not create any right or equity in favour of the petitioners if they do not succeed to their respective claims before the jurisdictional Tribunal strictly in accordance with law.

In the event, the application is filed before the Tribunal, the Tribunal shall proceed with the

same in accordance with law and without being influenced by observation made by this Court, if any.

Since affidavits are not called for, the allegations made in this writ petition are deemed not to have been admitted by the respondents.

With the above observations and directions, this writ petition, **WPA 8499 of 2024** stands **disposed of**, without any order as to costs.

Photostat certified copy of this order, if applied for, be furnished expeditiously.

(Aniruddha Roy, J.)