

04.04.2024
THURSDAY

Court : 04
Item : 03
Matter : WPLRT
Status : DO
Bench ID : 266175
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IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE

WPLRT 50 of 2024

Amulya Ratan Biswas & Ors.
Vs.
The State of West Bengal & Ors.

Mr. Udaynarayan Betal, Advocate
Mr. Bhaskar Hutait, Advocate
Mr. Mriganka Patra, Advocate

.....for the Petitioners

Mr. T.M. Siddiqui, Advocate
Mr. Supratim Dhar, Advocate
Mr. Saikat Sen, Advocate

.....for the State

1. The instant writ-petition arises from and order dated 18.03.2024 passed by the Third Bench of West Bengal Land Reforms and Tenancy Tribunal refusing to pass an interim order as the Court feels that an opportunity should be given to the other side to disclose the stand.
2. Several pleas have been taken including the one that the Tribunal was consistently passing orders giving protection to the applicants approaching before it raising similar issues but the petitioners have been singled out.
3. The matter pertains to a 'Haat' situated in Dakshin Dinajpur. Public Interest Litigation was filed which culminated into an order that the authorities shall take steps against any illegal constructions having effected in respect of the 'Haat/Bazaar' which appears to have been vested upon the State under the West Bengal Estate Acquisition Act, 1953.

4. Pursuant to the same, a notice is issued upon initiating *suo motu* proceeding under Section 51A(4) of the said Act for revision of the record of rights where the 'Haat' or the individual holders' names were appearing therein. The said notice indicates that an opportunity of hearing is given to the applicants so that the authority before proceeding to take a final decision must afford an opportunity of hearing. Obviously, the adherence to the principles of natural justice can be seen from the said notice.
5. However, Counsel for the appellant vehemently submits that the initiation of the *suo motu* proceeding is a mere eye-wash and farcical as the authorities have proceeded with a pre-determined notion which would further be evident from the notice issued to all the Block Land and Land Reforms Officers.
6. The petitioners have approached at the stage of a notice inviting them to appear and disclose the stand and, therefore, it is preposterous to suggest that the authority who is a quasi judicial authority would pass an order which appears to be contrary to law.
7. Anyhow, we do not intend to go into the aforesaid aspect for the simple reason that the Tribunal intended to decide the issue in presence of the State Counsel and have, in fact, kept the applications for interim relief alive to be taken on 06.05.2024.
8. We thus do not find that the Tribunal would not consider the prayer for interim order, if raised on

the said date and decide the same by passing a reasoned order and, therefore, we feel that no interference is called at this stage.

9. However, liberty is granted to the petitioners to pray for interim order before the Tribunal on the next date i.e. 06.05.2024 and it is expected that the moment such prayer is made, the Tribunal shall decide the same in accordance with law.
10. Nothing observed hereinabove, shall have any persuasive effect on the matter pending before the Tribunal.
11. With these observations, the writ-petition being **WPLRT 50 of 2024** is **disposed of**. No order as to costs.

(Harish Tandon, J.)

(Madhuresh Prasad, J.)