

27.06.2024
Item No.07
Court No.11
Avijit Mitra

WPLRT 65 of 2024

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

And

Sukomal Maiti

- versus -

State of West Bengal & ors.

Mr. Bhaskar Chandra Manna

... for the petitioner

Mr. T.M. Siddiqui,

Mr. Supratim Dhar,

Mr. Suddhadev Adak

...for the State respondents

The present writ petition has been preferred challenging *inter alia* an order dated 18th September, 2023 passed by the learned Tribunal in the original application (hereinafter referred to as OA), being OA 1119 of 2020 (LRTT).

Mr. Manna, learned advocate appearing for the petitioner submits that once a representation is filed before a statutory authority, it is incumbent the said authority to dispose of the said representation upon hearing all interested parties. In the present case, instead of directing the respondent no.3 to consider the representation submitted by the petitioner for recording his name in respect of two decimals of land in the subject property, the learned Tribunal erroneously observed that there was no inaction on the part of the said respondent to consider the petitioner's representation since the said

representation was defective for non-impleadment of the necessary parties.

Mr. Siddiqui, learned Additional Government Pleader enters appearance on behalf of the State respondents and submits that the learned Tribunal has already granted liberty to the petitioner to submit a fresh representation and as such no interference is called for.

In the said conspectus, the petitioner's prayer is refused.

It is, however, made clear that in the event the petitioner submits a representation to the respondent no.3 detailing the names of all the necessary and interested parties, the said authority shall consider and dispose of the same upon hearing all the parties as expeditiously as possible preferably within a period of ten weeks from date of submission of such representation.

With the above observations and directions, the writ petition is disposed of.

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

Urgent photostat certified copy of this order, if applied for, be given to the learned advocates for the parties.

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