

04.07.2024
Item No.17
Court No.11
Avijit Mitra

WPLRT 71 of 2024

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

And

Bijay Krishna Maity

- versus -

The State of West Bengal & ors.

Mr. Bhaskar Chandra Manna

...for the petitioner

Mr. Somnath Ganguli,

Mr. Sukalpa Seal

...for the State respondents

This writ petition has been preferred to question the tenability of the order dated 18th September, 2023 passed by the learned Tribunal in the original application being OA 1120 of 2020. The order dated 18th September, 2023, is quoted hereinbelow:

'Ld. Counsel Mr. Bhaskar Ch. Manna appears on behalf of the applicant and files affidavit of service.

Ld. Government Representative is present.

Heard both sides.

Ld. Government Representative submits that the matter relates to the question whether the land is vested or not, for which a report from B.L. & L.R.O, Contai-I, Dist. Purba Medinipur is required.

Accordingly, B.L. & L.R.O., Contai-I, Dist. Purba Medinipur is directed to send a status report in this matter through the Ld. Government Representative by the next date fixed positively.

Let the matter appear in the list under the heading 'Hearing' on 03.06.2024.

Let a plain copy of this order duly countersigned by the Principal Officer of the Tribunal be made over to the Ld. Govt. Representative for communication to the concerned Authority for information and compliance and photostat certified copy of the order, if applied for by the applicant, be delivered subject to payment of requisite court fees.'

Mr. Manna, learned advocate representing the petitioner argues that the petitioner's application for getting his name recorded in L.R. Record of Rights pertaining to the lands in question has been kept in suspended animation citing a reason that the lands were vested in the State. He contends that in a suit, a competent Civil Court declared the right, title and interest of the predecessor-in-interest of the petitioner pertaining to the lands. The State preferred an appeal against the judgment and decree passed in the suit but the appeal failed.

However, challenging in-action on the part of the B.L. & L.R.O in making necessary correction of the Record of Rights, the petitioner preferred the original application. He submits that instead of directing the B.L. & L.R.O to record the petitioner's name in the revenue records, the learned Tribunal misguided itself in calling for a status report. He urges that a direction be given upon the B.L. & L.R.O to record the petitioner's name in the L.R. Record of Rights.

Answering to our query, learned advocate appearing for the State submits that the B.L. & L. R.O. has almost completed the preparation of the status report, which would be submitted within six weeks from date.

In view thereof, the writ petition is disposed of, granting liberty to the petitioner to prefer an application for preponement of the date of hearing of the original application after six weeks from date before the learned Tribunal.

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.)