

15.07.2024
Item No.01
Crt.No.02
b.r.

WPA 14344 of 2024

Ranajit Mondal & Anr.
-vs-
The State of West Bengal & Ors.

Mr. Aninda Sarkar
..... for the petitioners.

Mr. Soumitra Bandyopadhyay
Mr. Priyabrata Batabyal
.... For the State-Respondents.

Mr. Sounak Bhattacharya
Mr. Sounak Mondal
..for Resp.-Smt. Protima Mandal.

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

Mr. Aninda Sarkar, learned advocate appears for the petitioners.

Mr. Priyabrata Batabyal, learned advocate appears for the State-respondents.

The prayer asked for today on behalf the petitioners extremely simple and short.

Referring to an order dated **November 30, 2022** passed by **respondent no.3 at page-27** to the writ petition, learned counsel for the petitioners submit that despite there being a direction on remand by the **respondent no.3** upon the **respondent no.2** to complete the hearing of **Misc. Case No. 186 of 2017**

pending before the respondent no.2, no step has been taken yet.

Learned counsel for the petitioners then refers to an application, **annexure p-3 at page-17** to the writ petition and submits that by way of the said application, the said order dated **November 30, 2022** was brought on record and attention of the respondent no.2 but still no hearing has yet taken place.

Mr. Saunak Bhattacharya, learned counsel appearing for one Smt. Protima Mondal, who is the respondent in the **Misc. Case No. 186 of 2017** has raised the point of maintainability of this petition on the plea that under the **West Bengal Land Reforms and Tenancy Tribunal Act, 1997**, the jurisdictional forum is the **Land Reforms and Tenancy Tribunal** and accordingly no writ petition is maintainable. It is further submitted that in the Misc. Case, his client being the respondent/opposite party she has not been impleaded in this writ petition and the said order dated November 30, 2022 was passed ex parte against his client.

After considering the rival contentions of the parties and upon perusal of the materials on record, at the outset, it appears to this Court that the order dated **November 30, 2022** was passed in presence of both the appellant and respondents and respondent there being

the client of Mr. Bhattacharya. This was available on the face of the said order dated **November 30, 2022**.

In view of the above, to sub-serve justice, the **respondent no.2** is directed to dispose of the **Misc. Case No. 186 of 2017** after giving notice to **Smt. Protima Mondal**, the respondent/opposite party before it, strictly in accordance with law, as expeditiously as possible but not beyond **six months** from the date of communication of this order.

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

This Court has not gone into the merits of the case of the parties and respondent no.2 shall proceed with its independent mind.

With the above observations and directions, this writ petition, **WPA 14344 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.)