

IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION
APPELLATE SIDE

CO 1834 of 2017
with
IA No. CAN 1 of 2018 (Old No.8098 of 2018)
with
CAN 2 of 2021

Sukesh Pradhan
Vs.
Sujit Jana & Ors.

Mr. Manish Kumar Das
... For the petitioner

Mr. Anup Dasgupta
Ms. Megha Datta
... For the opposite parties

1. This revisional application has been filed assailing the order dated 18th March, 2017 passed in connection with Title Suit No.455 of 2012 by the learned Civil Judge (Junior Division), Haldia, Purba Medinipure. By the impugned order, the learned Judge disposed of an application filed under Section 21(3) of the West Bengal Land Reforms Act (hereinafter referred to as the “WBLR Act”) by referring the issue of Bargadar to the statutory authority under Section 21(3) of the WBLR Act.

2. Mr. Manish Kumar Das, learned counsel appearing on behalf of the petitioner has submitted that the issue of Bargadar has already been decided, admittedly, by the concerned authority in MP Case No.20(A)/1978 and MP Case No.9(A)/1978 wherein the plaintiff was declared as Bargadar in respect of the

subject property. Therefore, further reference under Section 21(3) of the WBLR Act does not arise.

3. Learned counsel appearing on behalf of the petitioner has drawn my attention to the order passed by the learned Appellate Court in Misc. Appeal No.08 of 2015 whereby the learned Appellate Court also disposed of an application under Order XXXIX Rules 1 and 2 of the Code of Civil Procedure.

4. Learned Appellate Court also discussed the issue of Bargadar and recorded its order that the plaintiff was Bargadar pursuant to the decision in MP Case No.20(A)/1978 and MP Case No.9(A)/1978.

5. Mr. Anup Dasgupta, learned counsel appearing on behalf of the opposite parties, has submitted that Bargadar issue cannot be decided by the Court and presently the petitioner/plaintiff is not Bargadar in respect of the subject property and he is not in possession thereof. It is submitted that the opposite parties/defendants are in possession of the subject property by way of cultivation. Therefore, though he was declared as Bargadar in the year 1978 but presently he is not Bargadar in respect of the subject property.

6. The suit has been filed by the plaintiff claiming himself to be a Bargadar in respect of the subject property and his status has already been decided by the appropriate authority under the West Bengal Land

Reforms Act in the year 1978 and consequently his name has already been recorded in the Record of Rights. Therefore, in these circumstances, further adjudication of Bargadar issue does not arise.

7. Regard being had to the above, the order dated 18th March, 2017 passed in connection with Title Suit No.455 of 2012 by the learned Civil Judge (Junior Division), Haldia, Purba Medinipur, stands set aside.

8. Learned Civil Judge is requested to dispose of the suit, which is pending since 2012, preferably within six months from the date of communication of this order.

9. With the aforesaid observation, CO 1834 of 2017 stands disposed of.

10. Interim order, if any, also stands vacated.

11. All connected application stand disposed of.

12. All parties shall act on the basis of a server copy of this order duly downloaded from the official website of this Court.

13. Urgent photostat certified copy of this order, if applied for, be given to the parties, upon compliance of necessary formalities.

(Bibhas Ranjan De, J.)