

07
24.09.2024
Ct. No. 11
Jayanta

WPLRT 90 of 2024

Mrityunjoy Chaulia
Vs.
State of West Bengal & Ors.

Mr. Bhaskar Ch. Manna

..... For the Petitioner

Mr. Soumitra Bandhopadhyaya

Ms. Pratiti Das

..... For the Respondents.

The present writ petition has been preferred challenging an order dated 5th September, 2023, passed by the learned Tribunal in the original application (in short, OA), being O.A. 1514 of 2022.

By that order, the OA was disposed of with following direction:-

‘We, however, dispose of this application directing the B.L. & L.R.O., Egra-II, District- Purba Medinipur to dispose of the representation, subject to his suitability, convenience and authority, vested under the law, taking into account the inputs, furnished in the report dated 21.08.2023 submitted by the B.L. & L.R.O. concerned, now placed before this Tribunal, after extending an opportunity of hearing to all the interested persons, as expeditiously as possible preferably within a period of six (6) months from the date of communication of this order.

Petitioner is to make communication of this order to the B.L. & L.R.O. concerned.

With these terms, O.A. No. 1514 of 2022 (LRTT) is disposed of.'

Mr. Manna, learned advocate representing for the petitioner, submits that the learned Tribunal erred in relegating the issue to the B.L. & L.R.O. with a direction to dispose of the representation subject to suitability, convenience and, authority vested under law, taking into account the inputs furnished in the report dated 21st August, 2023.

The petitioner is aggrieved by the use of the words “*subject to his suitability, convenience and authority vested under the law, taking into account the inputs, furnished in the report dated 21st August, 2024*”.

However, during the hearing, Ms. Das, learned advocate representing for the State respondents, submits the written instructions. Let such written instructions be kept with the record.

From the written instructions and documents annexed thereto, it transpires that based on the representation submitted by the petitioner, a Misc. Case (No. 607/Eg.-II/2023) was initiated by the concerned B.L. & L.R.O., and the petitioner participated in the proceedings on 6th June 2023 and 19th January 2024. Ultimately, by an order dated 24.02.2024, the Misc. case has been disposed of. Unfortunately, these facts have not been incorporated in the writ petition, despite it being affirmed in April 2024. However, since the Misc. Case has been terminated by a final order, we

are not inclined to interfere, as there is an efficacious alternative remedy available to the petitioner regarding the order dated 24.01.2024.

Accordingly, this writ petition is dismissed. There shall be no order as to the costs.

However, it is clarified that this order shall not preclude the petitioner from availing of the statutory remedy in accordance with law.

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