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29.08.2024
Ct. No. 11
rrc

WPLRT 94 of 2024
(Pravakar Gayen & Ors. Vs. The State
of West Bengal & Ors.)

Mr. Mrinal Kanti Ghosh
.... For the petitioners

Mr. Priyabrata Batabyal
..... For the State respondents

Ms. Kakan Das
..... For the private respondents

Affidavit-of-service filed by the petitioners be taken on record.

The present writ petition has been instituted seeking a direction upon the learned Tribunal to expedite disposal of the Original Application (in short, OA), being OA 1038 of 2023 (LRTT).

Mr. Ghosh, learned advocate, representing the petitioners submits that after the petitioner nos. 1 and 2 and predecessor-in-interest of petitioner nos. 3 to 5 purchased the subject lands in 1963 from one Amal Basu, who passed away in 1995, they applied to have their names recorded in the record-of-rights. However, despite receiving the application, the same was left unattended, which prompted them to approach the learned Tribunal with OA 2224 of 2006. By an order dated 2.8.2006, this OA was disposed of by directing the concerned B. L. & L.R.O. to dispose of their application. Pursuant to the order

dated 2.8.2006, one Misc. case vide. no. 2 of 2007, which was disposed of with an observation that as Chapter-VIIA of the West Bengal Land Reforms Act, 1955 (in short, the 1955 Act) came into force in that area where the lands were located, no correction could be made in view of S. 50 of the 1955 Act and the prayer would be considered after final publication of record-of-rights.

However, in the meantime, the private respondents somehow got their names recorded in record-of –rights claiming ownership of those lands based on a deed of sale allegedly executed by Amal Basu in 2004.

The petitioners submitted another application on November 2, 2007, seeking alteration of the entries made in the record-of-rights based on the claims of the private respondents. In response to this application, another Miscellaneous Case No. 02 of 2008 was initiated, and a notice was issued to the private respondents. The private respondents challenged the validity of this notice in OA 162 of 2008, which was disposed of by an order dated November 26, 2009, directing the B.L. & L.R.O. to dispose of Miscellaneous Case No. 02 of 2008.

Since the B.L. & L.R.O. did not dispose of Miscellaneous Case No. 02 of 2008 in accordance with the order dated November 26, 2009, the petitioners were compelled to file OA 1038 of 2023. Mr. Ghosh prays for a direction upon the learned Tribunal to dispose of the OA as expeditiously as possible.

Mr. Batabyal, learned advocate, representing the State respondents denies and disputes such contention of the petitioners.

Heard the learned advocates appearing for the respective parties. Perused the materials on record.

Record reveals that by an order dated 5th April, 2024, the learned Tribunal directed the private respondents to file the affidavit-of-opposition to the OA within six weeks prior to the next date after supply of copy to the other side and the applicants were directed to file affidavit-in-reply within four weeks thereafter. But we have been informed that till date, private respondents have not filed the said opposition and the matter has been fixed for hearing on 11.02.2025.

Having regards to the facts and circumstances of this case and particularly, considering the aspect that the issue involved in the Misc. case 02 of 2008 pending for its resolution since 2008, we direct the private respondents to file affidavit-in-opposition positively within 4 (four) weeks from date and reply thereto, if any, be filed within 2 (two) weeks thereafter.

The learned Tribunal shall make a sincere endeavour to dispose of the OA on the returnable date or as expeditiously as possible, preferably within four weeks thereafter, without granting unnecessary adjournments to either party.

It is clarified that if the private respondents do not file affidavit-in-opposition within the time as stipulated, the learned Tribunal shall be at liberty to dispose of the OA even in absence of their affidavit-in-opposition to the OA.

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

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

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

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