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29.07.2024
Ct. No. 11
rrc

WPLRT 99 of 2024
(Rajeshwar Parkhani Vs. The State of
West Bengal & Ors.)

Mr. Bikash Goswami

.... For the petitioner

Sk. Md. Galib

Mr. Kapil Guha

.... For the State

Affidavit-of-service filed by the petitioner be kept on record.

The present writ petition has been instituted primarily praying for a direction upon the learned Tribunal to dispose of the Original Application (in short, OA), OA 504 of 2016 expeditiously within a specific time frame.

Mr. Goswami, learned advocate representing the petitioner, submits, that the origin of the dispute pertaining to the R.S. Record of rights of the land forming the subject matter of the present lis, can be traced back to 1994. However, by an order dated 28.04.2012/2014 passed in Case no. 01 of 2013, the S.D. L & L.R.O. directed reinstatement of the certain Khatians in R.S. R-O-R and ordered necessary correction in the R.S. R-O-R.

Surprisingly, the order dated 28.4.2014 was not complied with, which compelled the petitioner to prefer an original application, being OA no. 2065 of 2015 only for a direction upon the concerned respondent to act in accordance with the order dated 28.4.2014. The OA no. 2065 of 2015 was disposed of

directing the concerned respondent to comply with the order dated 28.4.2014.

Mr. Goswami contends that it is also surprising to note that the Additional Chief Secretary & Land Reforms Commissioner, W.B. intervened in the matter. Ultimately, by issuing an order dated 28.5.2015, the Commissioner set aside the order dated 28.4.2014 with a direction upon the S.D. L.R. O to dispose of the proceeding vide. Case no. 01 of 2013 *de novo*. According to Mr. Goswami, the Commissioner has effectively nullified the order of S.D. L.R.O dated 28.4.2014 and acted in contravention of the order passed in OA no. 2065 of 2015. As a result, the petitioner was again constrained to prefer the OA 504 of 2016. He submits that alleging wilful violation of the order passed in OA 2065 of 2015, the petitioner has preferred a contempt application, being MA no. 58 of 2016. On 19.1.32014, both applications were heard together.

He lamented that in 2016, both OA 504 of 2016 and the MA 58 of 2016 were filed but despite of lapse of more than 7 years, those have not been disposed of and the next date of hearing has been fixed on 7.2.2015. He contends that the petitioner has already attained the age of 68 years and is ill. Therefore, he urges for a direction for expeditious disposal of both the applications.

Mr. Galib, learned advocate appearing for the State denies and disputes the contention of the petitioner.

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

We have been informed that the parties have already exchanged their pleadings in respect of the OA being OA 504 of 2016 and both applications are ready for hearing.

In view thereof, the writ petition is disposed of directing the learned Tribunal to dispose of the OA as well as the application for contempt being MA 58 of 2016 on the returnable date, i.e. on 7th February, 2025 or within a period of a month thereafter without granting any unnecessary adjournments to either of the parties.

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.)