

21
13.09.2024
Ct. No. 11
Jayanta

WPLRT 109 of 2024

Anil Singh Sardar & Anr.
–*Versus* –
The State of West Bengal & Ors.

Mr. Tara Pada Das
Mr. Puspam Das

.....For the petitioners.

Mr. Tapan Kumar Mukherjee, Ld. AGP
Mr. Supratim Dhar

.....For the State/Respondents.

The present writ petition has been instituted to challenge the order dated 27th June, 2004 passed in OA 2073 of 2023.

Mr. Das, the learned advocate appearing for the petitioners, seeks to explain the background facts leading to this writ petition by contending that during the R.S. operation, the predecessor-in-interest retained the lands in question by submitting a 'B' form. However, despite this retention, the lands were erroneously declared to have vested in the State and were subsequently settled to third parties by issuing pattas.

He submits that in 1984, challenging these actions, the petitioners filed a writ petition, which was ultimately registered as CR 9694 (W) of 1984. However, after the establishment of the West Bengal Land Reforms & Tenancy Tribunal, the writ petition was transferred to the Tribunal and renumbered as TA 15 of 2002. The TA was disposed of by an order dated 20th March 2002, which directed the concerned BL & LRO to treat

the writ petition as a representation and to dispose of the same by passing a reasoned order within a specified time frame.

Mr. Das contends that despite receiving several reminders, the order dated 20th March, 2002 has not been complied with. This prompted the petitioners to approach the learned Tribunal again with another OA, being OA 2073 of 2023.

He contends that even during the hearing of this OA, a status report was called for from the BL & LRO. However, without addressing the issues raised by the petitioners, the OA was dismissed by the order under challenge in this writ petition. He submits that a direction should be given to the BL & LRO to dispose of the petitioners' representation in compliance with the order dated 20th March 2002.

Mr. Mukherjee, learned Additional Government Pleader appearing for the State respondents, vehemently opposes the contentions canvassed by Mr. Das. He argues that based on the 'B' form submitted by the predecessor of the present petitioner on 4th July 1968, certain amounts of land were vested. Thereafter, it was detected that there were some mala fide transfers to evade the ceiling, and accordingly, a proceedings under Section 5A of the West Bengal Estate Acquisition Act, 1953, were initiated and a fresh vesting order passed on 13th July 1971. He contends that following this fresh vesting order, the subject lands were declared vested in the State. He submits that those land have already settled to third party by issuing Pattas.

Heard the learned advocate appearing for respective parties, perused the materials on record.

Admittedly, by an order dated 20th March 2002, the learned Tribunal directed the BL & LRO to treat the writ petition as a representation and to dispose of the same. It is also an admitted fact that, despite several reminders, the BL & LRO has not disposed of the writ petition treating it as a representation in compliance with the order dated 20th March 2002. Furthermore, it is an admitted position that the order dated 20th March 2002 has not been challenged by the BL & LRO or any State functionary in any higher forum.

We cannot allow an order passed by a competent judicial institution to be frustrated by any administrative body, such as the B.L. & L.R.O. Regardless of the status of the lands, the B.L. & L.R.O. should have issued a reasoned decision on the representation and communicated this decision to the petitioners. The learned Tribunal erred in not taking this aspect into account and in dismissing the OA.

In view thereof, the order dated June 27, 2024, passed in OA 2073 of 2023, is set aside. The present writ petition is disposed of, directing the BL & LRO to take a decision on the representation in terms of the order dated March 20, 2002, passed in TA 15 of 2002, and to communicate the decision to the petitioners within 12 weeks from the date of receipt of a copy of this order, along with a copy of the writ petition being C.R. 9694 (W) of 1984, which was subsequently renumbered as TA 15 of 2002. The petitioners are directed to communicate this order along with a copy of the writ petition immediately.

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

Urgent certified photocopy of this order, if applied for, be supplied as expeditiously as possible

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