

20.12.2024
Item No.02
Court No.11
Avijit Mitra

WPLRT 123 of 2024

In re: An application under Article 226 of the Constitution of India;

And

Radhakanta Bhunia & ors.
- Versus -
The State of West Bengal & ors.

Mr. Santosh Kumar Chakraborty,
Mr. Pramatesh Sarkar,
Mr. Jayanta Kumar Pain
.... for the petitioners

Sk. Md. Galib,
Mr. Kapil Guha,
...for the State respondents

Mr. Lalratan Mondal,
Mr. Dilip Kumar Sadhu
....for the private respondents

Justification of the order dated March 14, 2024, passed in the Original Application (in short, OA) 1981 of 2022 has been called in question in this present writ petition. By this order, the learned Tribunal directed the Block Land and Land Reforms Officer to dispose of the representation, appearing at page 113 of the original application, in light of the order dated December 3, 2018, passed in OA 512 of 2018 and in accordance with the law, after providing a fair and reasonable opportunity for hearing to the applicants and other interested parties, if any, in terms of the current L.R.R-O-R by passing a reasoned order within a specific time frame.

He states that 10 persons among these patta holders passed away, and this fact was brought to the Tribunal's

attention. The Tribunal observed that the legal heirs of the deceased needed to be substituted and directed the petitioners to provide their particulars. He contends that the legal heirs of those deceased patta holders also filed an application for addition of parties. However, despite the legal heirs submitting an application for addition as parties, the Tribunal passed the order under challenge without addressing the application or formally adding the legal heirs to the record. Mr. Chakraborty argues that this order is invalid, improper, and defective, asserting that no authority can act upon such a defective order.

Per contra, Mr. Mondal, learned advocate appearing for the original applicants/private respondents, submits that the order impugned in this writ petition directs the concerned B.L. & L.R.O. to dispose of the representation after providing an opportunity to all interested parties. Therefore, it is expected that the legal heirs of the deceased will be given an opportunity of hearing before the representation is disposed of. He further submits that if the legal heirs, along with other interested parties, are afforded a hearing while considering the representation, he shall have no objection.

Mr. Galib, learned advocate appearing for the State respondents, submits that although the legal heirs of the deceased patta holders have not been brought on record, if a direction is given to the B.L. & L.R.O. to decide the representation after affording an opportunity to all interested parties, including the legal heirs of the deceased patta holders, no party will suffer any prejudice.

Having regard to the submissions made by the parties and without adopting a hyper-technical approach, in the greater interest of justice, this writ petition is disposed of by directing the Block Land and Land Reforms Officer to decide on the representation submitted by the private respondents in accordance with the directions given by the learned Tribunal, after affording an opportunity of hearing to all interested parties, including the legal heirs of the deceased patta holders, within a period of three months from the date of communication of this order.

Mr. Chakraborty shall communicate this order, along with its server copy, to the respondents within seven days from the date of this order.

It is further directed that, until the representation is disposed of, the possession of the patta holders and the legal heirs of the deceased patta holders shall not be disturbed by any person in any way or manner whatsoever.

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

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

Urgent photostat certified copy of this order, if applied for, be given to the learned advocates for the parties.

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