

09.09.2024
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IA No.: CAN 1 of 2024 (Recalling)
Sri Krishnapada Garain
– *Versus* –
The State of West Bengal & Others
in
WPLRT 115 of 2024

Ms. Kaberi Ghosh (Dey)
... for the Applicant/Petitioner.
Md. T. M. Siddiqui,
Ms. Debdooti Dutta,
Mr. S. Adak
... for the State/Respondents.

By an order dated August 29, 2024, both the Original Application (in short, OA) being OA 1076 of 2021 and the writ petition, WPLRT 115 of 2024, were disposed of based on a written instruction submitted on behalf of the State/respondents. The instruction noted that, based on the petitioner's representation, Miscellaneous Case No. 208 of 2022 was initiated and disposed of by the B.L. & L.R.O. in an order dated September 22, 2022. Accordingly, the Court disposed of the writ petition, granting liberty to the petitioner to pursue a statutory appeal in accordance with the law.

The writ petitioner has presented this application being CAN 01 of 2024, with a prayer for recall of the order dated August 29, 2024.

Ms. Ghosh (Dey), learned advocate representing the applicant, contends that upon inquiry, it was found that the written instructions that led to the issuance of the order dated August 29, 2024, do not reflect the correct factual position. She explains that Miscellaneous Case No. 208 of

2022 was initiated based on the petitioner's representation dated July 20, 2022, which requested a correction of the record-of-rights. In contrast, the petitioner's earlier representation dated February 1, 2021, which sought a correction of the Mouza-map, was left unattended. Consequently, the petitioner approached the learned Tribunal with Original Application (OA) No. 1076 of 2021, seeking a directive to the B.L. & L.R.O. to dispose of the representation dated February 1, 2021. According to her, there is no connection between the request for correction of the record-of-rights and the request for correction of the Mouza-map. She submits that the petitioner has preferred statutory appeal to assail the order passed in Misc. Case no. 208 of 2022. She prays for the recall of the order dated August 29, 2024, and for a directive to the concerned B.L. & L.R.O. to dispose of the representation and/or application dated February 1, 2021.

Md. Siddiqui, learned Additional Government Pleader representing the State/respondents, disputes the contention canvassed by Ms. Ghosh (Dey) and submits that there is a nexus between the two requests, namely, the request for correction of the record of rights and the request for correction of the Mouza-map. He contends that the District Settlement Officer is the competent authority to entertain any application for correction of the Mouza-map. However, he ultimately submits that he will not stand in the way if the matter is referred back to the concerned B.L. & L.R.O. for disposal of the representation dated February 1, 2021.

Having regard to the stands taken by the respective parties and upon consideration of the fact that the B.L. & L.R.O. has addressed the disputes between the petitioner and the private respondents regarding the correction of the record of rights, we are of the view that it would be appropriate to refer the petitioner's request for a correction of the Mouza map back to the B.L. & L.R.O. for consideration.

In this context, the application is allowed, and the order dated August 29, 2024, is recalled. The writ petition is disposed of directing the B.L. & L.R.O. to decide the petitioner's representation dated February 1, 2021, after providing an opportunity for hearing to all interested parties, within two months from the date of communication of this order.

It is clarified that if the B.L. & L.R.O. determines that the petitioner's request for correction of the Mouza map is justified, he shall take appropriate follow-up actions in accordance with the law. If the B.L. & L.R.O. determines that the intervention of any other authority is necessary to decide the representation, he may refer the matter to that authority or seek the necessary permission from the competent authority to ensure proper resolution of the issue.

In view thereof, the original application and the writ petition along with the application, being IA No.: CAN 1 of 2024, are, thus, disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties, upon compliance of all requisite formalities.

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