

29.08.2024
(D/L-24)
Ct.-19
(Susanta)

IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION

C.O. 3045 of 2024
Dinabandhu Das Bairagya
-Vs-
Bodrujjoa Sk. & Ors.

Ms. Pampa Dey Dhabal,
Ms. Sangita Banerjee,
... For the Petitioner.

The pre-emptor in a proceeding under Sections 8 & 9 of the West Bengal Land Reforms Act, 1955 is the petitioner of the instant application under Article 227 of the Constitution of India.

The application for preemption being *Misc. Preemption Case No. 15 of 2024* is pending before the 4th Court of learned Civil Judge (Junior Division), Purba Bardhaman.

The learned Trial Judge by the order impugned dated August 06, 2024 has refused to admit the said pre-emption case for the failure of the preemptor to deposit the entire consideration price of the disputed sale along with the application for pre-emption.

In view of the judgment of the Hon'ble Supreme Court in the case of ***Barasat Eye Hospital Vs. Kaustabh Mondal*** reported in **(2019) 19 SCC 767**, the issue is no longer *res integra*.

The order impugned, therefore, does not call for any interference.

In view of the position of law on the issue as discussed above, no fruitful purpose would be served by keeping the *Misc. Preemption Case No. 15 of 2024* pending, therefore the said Misc. Case is also dismissed.

C.O. 3045 of 2024 is disposed of with the above observations without any order as to costs.

Parties to act on the server copy of this order duly downloaded from the official *website* of this Court.

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

(Biswajit Basu, J.)