

12.09.2024
Item No.03
Court No.11
Avijit Mitra

WPLRT 127 of 2024

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

And

SK. Kader Ali & ors.

- versus -

State of West Bengal & ors.

Mr. Dibyendu Chatterjee,
Ms. Satabdi Das,
Mr. Mainak Singha Barma
....for the petitioners
Mr. Pappu Adhikari
...for the respondent nos. 5 to 7

The present writ petition has been instituted to challenge the order dated 30th July, 2024 passed by the learned Tribunal in the original application (in short, OA) being OA 1748 of 2024.

Mr. Chatterjee, learned advocate representing the petitioners, submits that, following the orders of the Block Land and Land Reforms Officer, the names of the petitioners were recorded in the LR record of rights. However, the orders issued by the Block Land and Land Reforms Officer were challenged by preferring statutory appeals under Section 54 of the West Bengal Land Reforms Act. However, by a common order, the appeals were decided against the petitioners, who subsequently challenged the appellate order before the learned Tribunal in OA 1748 of 2024.

Mr. Chatterjee submits that during the hearing, the private respondents raised the issue of the maintainability of the OA. The learned Tribunal has scheduled the date August 8, 2025 for hearing the OA on the issue of maintainability. Mr. Chatterjee argues that this delay could frustrate the petitioners' claims.

He further submits that, after coming to learn about the institution of the writ petition, the Block Land and Land Reforms Officer issued a notice requiring all co-sharers of the lands in question to appear before him on September 20, 2024. The notice suggests that the purpose of this hearing is to change and/or modify the record of rights. He also submits that the Block Land and Land Reforms Officer should be directed not to proceed with the hearing based on this notice during the pendency of these proceedings.

Mr. Adhikari, learned advocate for respondents Nos. 5 to 7, vehemently opposes the prayer advanced by Mr. Chatterjee. He submits that, based on six applications presented by the petitioners, six different miscellaneous cases were initiated, and accordingly, six separate orders were issued by the B.L. & L.R.O. These orders were challenged in six different statutory appeals, which were all disposed of by a common order. According to him, the petitioners were required to file six different original applications but have only filed one. Therefore, he argues that the OA is not maintainable. He further submits that the interim order, as prayed for by the petitioners should not be passed without first deciding the issue of maintainability.

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

The order under assail in the writ petition reveals that the learned Tribunal has scheduled a date for August 8, 2025, which is more than a year away, solely for the purpose of deciding the issue of the maintainability of the OA.

In pursuance of Article 323B of the Constitution of India, the State has enacted a legislation say, West Bengal Land Reforms & Tenancy Tribunal Act, 1997 for setting up tribunals to ease the burgeoning caseload of the High Courts and to provide speedy and effective justice.

In the present case, as noted previously, the learned Tribunal has scheduled a date more than a year away to decide the issue of maintainability of the OA. Consequently, the parties must wait over a year just to get an answer to a question of whether the OA is maintainable. Such a delay in deciding the maintainability of a single application may raise concerns about whether the objective of establishing the Tribunal is being undermined.

Every judicial institution is committed to providing speedy and objective justice to litigants. Keeping this objective in mind, the learned Tribunal should strive to provide speedy justice to litigants who have been compelled to seek it.

In light of these observations, we dispose of the writ petition, granting liberty to the petitioners to apply for the preponement of the hearing date of the OA 1748 of 2024. If such an application is filed, the learned Tribunal should make a sincere endeavour to dispose of the original application after

deciding the issue of its maintainability, as expeditiously as possible, preferably within twelve weeks from the date of the presentation of the application.

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.)