

19.09.2024
Sl. No. 21
g.b.
Court No.02

W.P.A. 23093 of 2023

Pralay Dutta
-Vs-
The State of W. B. & Ors.

Mr. K M Hossain
Mr. Somnath Saha
.....For the Petitioner
Mr. Ashim Kr. Ganguly, AGP
Mr. Tarak Karan
.....For the State

Affidavit of service filed in court today is taken on record.

Mr. K M Hossain, learned counsel appears for the petitioner.

Mr. Ashim Kr. Ganguly, learned Additional Government Pleader appears for the respondent nos. 1, 2 and 3.

The State has contended that the land of the petitioner has been vested but no information or document with regard to such vesting has been furnished to the petitioner, despite repeated request. The petitioner has also submitted a representation/justice demand through his advocate's letter dated September 9, 2023, Annexure 'P-11' at page 61 to the writ petition

before the respondent no.2, no attention has been paid thereto.

The record shows that the petitioner has also initiated **O. A No. 3246 of 2012 before the Jurisdictional West Bengal Land Reforms and Tenancy Tribunal** as would be evident from the order of the Tribunal dated July 17, 2023, Annexure 'P-10' at page 42 to the writ petition.

After considering the submissions made on behalf of the parties to subserve justice following directions are passed:

- (i) In terms of the said representation of the petitioner dated September 9, 2023, as referred to above, the respondent no.2 shall furnish all the relevant information and records with regard to the alleged vesting of the land of the petitioner positively on or before **November 8, 2024**;
- (ii) Upon receiving such information and records, the petitioner shall be at liberty to file an affidavit disclosing those information and records in the

pending original application before the Land Tribunal within a period of **two weeks** from the date of receiving of such information from the respondent no.2 and

- (iii) The petitioner then shall be at liberty to mention the original application for hearing before the Land Tribunal upon notice to the respondents therein for fixing a date of hearing.

The Jurisdictional Land Tribunal then shall commence the hearing immediately and conclude the same in accordance with law within a period of **three months** from the date of mentioning of the matter to be mentioned at the instance of the petitioner.

It is made clear that, this court has not gone into the merits of this writ petition and the petitioner shall be at liberty to urge whatever points he wishes to urge before the Learned Land Tribunal.

Since affidavits are not called for, the allegations made in the writ petition are deemed not to have been admitted by the respondents.

With the observations and directions, the writ petition **WPA 23093 of 2023** stands disposed of, without any order as to costs.

Urgent Xerox certified copy of this order, if applied for, be supplied to the parties on urgent basis after compliance of all necessary formalities.

(Aniruddha Roy, J.)