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Ct. No. 04

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S.A.T. 194 of 2023

**Smt. Saraju Maity
Vs.
Ranajit Bala & Anr.**

**Mr. Arindam Paul.
... for the appellant.**

Learned Counsel appearing for the appellant submits that the instant appeal has been mistakenly filed before this Court and his client intends to withdraw the same with liberty to approach the appropriate forum.

We, however, noticed that a preemption proceeding under Section 8 of the West Bengal Land Reforms Act, 1955 filed before the learned Civil Judge (Senior Division) was finally disposed of. To challenge the said order, Miscellaneous Appeal under Section 9(6) of the said Act lies before the District Judge. The Act does not provide for further appeal and, therefore, the instant appeal is not maintainable.

Since the appellant intends to withdraw the instant appeal, we permit him to do so with liberty to challenge the self-same judgement and order before the appropriate forum.

Let the certified copy of the impugned judgements and orders annexed to the instant Memorandum of Appeal be returned to the learned Advocate on Record of the appellant by the Assistant Court Officer upon replacement with a photocopy thereof.

(Harish Tandon, J.)

(Madhuresh Prasad, J.)

