

18
10.12.2024
Ct. No. 11
rrc

WPLRT 149 of 2024
(Sohgel Ahammed Vs. The State of
West Bengal & Ors.)

Mr. Mrinal Kanti Ghosh
..... For the petitioner

Mr. Supratim Dhar, Sr. Adv.
Ms. Debdooti Dutta
..... For the State respondents

Mr. Amit Baran Dash
Mr. Jayanta Dey
Ms. Ankana Sarkar
..... For the respondent nos. 5 to 11

Affidavit-of-service, as filed, be kept on record.

Mr. Ghosh, learned advocate representing the petitioner submits that by an earlier order dated 14th November, 2024 this Court directed the respondent no. 4 not to proceed with the hearing of the case being Misc/Law/07/2024 till 15th December, 2024 or until further orders, whichever is earlier.

He submits that the said order be extended till the disposal of the original application since the learned Tribunal is in seisin of the entire dispute cropped up in between the parties.

In response, Mr. Dash, learned advocate representing the writ petitioners/respondent nos. 5 to 11 herein, submits that numerous facts are involved in this matter. He alleges that the lands originally belonged to the predecessor-in-interest of the private respondents and were declared vested in a proceeding initiated under the relevant provisions of the West Bengal Estate Acquisition Act, 1953. However, the vesting order was

ultimately set aside by the appellate forum, but the lands were suddenly recorded in the name of the predecessor-in-interest of the writ petitioner, namely, Nasiruddin Ahammed, who, by executing a deed of gift, conveyed the lands in favour of Soheli, the petitioner herein. He submits that, based on this deed, Soheli's name was recorded in the LR Record of Rights.

He, further, submits that no prejudice would be caused if, in the meantime, the order of the appellate authority is given effect to and the name of the original owner is recorded in the LR Record of Rights.

Mr. Dhar, learned senior advocate, appears on behalf of the State respondents. He submits that if the order impugned in the original application (in short, OA) pending before the learned Tribunal is given effect to and entries in the R-O-R are altered at this stage, it may lead to the need for further changes based on the outcome of the proceeding. He suggests that, for now, the B.L. & L.R.O. should refrain from making any alterations to the R-O-R.

Heard the learned advocates appearing for the respective parties. Considered the materials placed before us.

Answering our query Mr. Ghosh submits that the order impugned in the writ petition speaks that the hearing of the OA has been fixed on 19th March, 2025.

The OA was preferred challenging the order of the appellate authority whereby the BL&LRO was directed to restore the property in question to its original status.

Undisputedly, the learned Tribunal is in seisin of the matter. However, if the said order is given effect to in the

meantime, it may lead to multiplicity of proceedings and further litigation. Taking note of this, we are of the view that the interim order passed earlier in this writ petition on 14th November 2024, directing respondent no. 4 not to proceed with the hearing of the case Misc/Law/07/2024, should be extended until the disposal of the original application. It is ordered accordingly.

The parties are directed to exchange their affidavits within the time frame fixed by the learned Tribunal. The learned Tribunal is requested to make a sincere endeavor to dispose of the original application on the returnable date, or as expeditiously as possible, within four (4) months thereafter.

With the above observations, the writ petition being WPLRT 149 of 2024 is disposed of.

There shall, however, be no order as to costs.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

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