

11.12.2024.
Item No. 13.
Court No. 11
ap

W.P.L.R.T. 150 of 2024

Rita Nath

Versus

The State of West Bengal & Ors.

Mrs. Juin Dutta Chakraborty,
Mr. Bidan Modak.
...For the petitioner.

Mr. Sk. Md. Galib,
Ms. Sujata Mukherjee.
...For the State.

Mr. Mukteswar Maity,
Ms. Manika Sarkar,
Ms. Nupur Chaudhuri.
...For the private respondent no.5.

1. The present writ petition challenges the justification of the order dated 8th August 2024, passed by the learned Tribunal in Miscellaneous Application (in short, M.A.) No. 795 of 2023, filed in connection with Original Application (in short, O.A.) No. 310 of 2022 (LRTT). By the aforementioned order, the learned Tribunal dismissed the M.A. and dropped the contempt proceeding, being satisfied that the order dated 23rd February 2022, passed in O.A. No. 310 of 2022, the violation of which was alleged in the M.A., had been duly complied with.

2. To better understand the context, it would be appropriate to quote the operative portion of the order dated 23rd February 2022, which is as follows:

“Accordingly, liberty is given to the applicant to file a fresh representation impleading the erstwhile recorded bargadar as opposite party therein along with the order of the BL&LRO concerned passed in Misc. Case No. 247/1/2018 before the BL&LRO concerned within four weeks from the date of receiving the certified copy of this order.

If such representation is filed, the BL&LRO, Rampurhat-I, Dist. Birbhum is directed to dispose of the same in accordance with law preferably within six months from the date of filing such representation after hearing all concerned.

The applicant is directed to serve copy of this application along with the Annexures and also the copy of the order passed this day upon the authority concerned within four weeks from the date of obtaining the certified copy of this order.

In case of non-filing of application following above stated rider within the stipulated period, liberty, so granted, will become inoperative.”

3. The order under challenge in the present writ petition postulates that the learned Tribunal came to a finding that the order dated 23rd February, 2022 had been complied with and accordingly, dropped the contempt

proceeding based on a compliance report submitted on behalf of the alleged contemnor.

4. Mrs. Chakraborty, learned Advocate representing the petitioner, submits that the order dated 23rd February 2022 has not been complied with, either in letter or in spirit. She contends that the bargadarship of the erstwhile bargadar was terminated way back in 2019, and accordingly, the petitioner approached the B.L. & L.R.O. to have the erstwhile bargadar's name removed from the L.R. Record of Rights. However, despite being approached, the B.L. & L.R.O. maintained a deceptive silence, and as such, the petitioner was compelled to file the (O.A.).
5. She submits that the Tribunal disposed of the Original Application (O.A.) by granting liberty to the petitioner to file a fresh representation, impleading the erstwhile recorded bargadar before the B.L. & L.R.O., who was directed to dispose of the representation in accordance with the law, after affording an opportunity of hearing to all interested parties.
6. She contends that, availing herself of that liberty, the petitioner filed the representation in terms of the Tribunal's order. However, the Block Land & Land Reforms Officer (B.L. & L.R.O.) concerned, instead of taking steps to remove the name of the erstwhile bargadar from the L.R. Record of Rights (R.O.R.), illegally afforded him an opportunity to deposit the money value of his share of the produce in the Treasury, Rampurhat. She asserts that the B.L. & L.R.O. has not complied with the Tribunal's order in its letter and spirit,

and has failed to consider this aspect. Yet, the Tribunal erroneously dropped the contempt proceedings, concluding that the order had been complied with. According to her, for these reasons, the order under challenge in the present writ petition warrants interference by this Court.

7. In response, Mr. Galib, learned Advocate representing the State, submits that, in compliance with the Tribunal's order, the B.L. & L.R.O. initiated proceedings in Misc. Case No. 123 of 2024 and, whether rightly or wrongly, disposed of the matter by passing an order. If the petitioner is aggrieved by that order, her only remedy is to file a statutory appeal against it. According to him, this writ petition is not maintainable in its present form.

8. Mr. Maity, learned Advocate representing the private respondent No. 5, submits that the bargadar has always been ready and willing to pay the money value of the proportionate share of the produce. However, it is the landlord who, by refusing to accept the payment, has created the entire problem. He further submits that, even at the present moment also, the bargadar is ready and willing to pay the money value of the proportionate share of the produce.

9. Heard the learned Advocates for the parties and perused the materials placed before us.

10. As noted earlier, the order, the violation of which is complained of, reveals that the petitioner was granted liberty to file a fresh representation before the B.L. & L.R.O., impleading the erstwhile bargadar. Accordingly, the petitioner submitted the representation, and the B.L. &

L.R.O. was directed to dispose of it in accordance with law within a specified time frame. Upon receipt of the representation, the B.L. & L.R.O. initiated proceedings in Misc. Case No. 123 of 2024 and the order dated 31st July 2024 indicates that the B.L. & L.R.O. had disposed of the said Misc. Case.

11. Therefore, in compliance with the said order and based on the representation filed by the petitioner, Misc. Case No. 123 of 2024 was initiated, and by passing a final order dated 31.07.2024, the same was disposed of.

12. Given this context, we are of the view that the order passed by the learned Tribunal has been complied with, and the learned Tribunal has rightly dropped the contempt proceedings. We do not find any jurisdictional or patent error that would persuade us to interfere with the impugned order.

13. Accordingly, the writ petition is, thus, dismissed.

14. However, we make it clear that this order shall not preclude the petitioner from challenging the order of the B.L. & L.R.O. before the appropriate forum, in accordance with law.

15. There will be no order as to costs.

16. Urgent photostat certified copy of this order, if applied for, be supplied to the parties, upon compliance of all requisite formalities.

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