

Court No. 24

09.04.2024

(A 243)

(S. Banerjee)

WPA 27980 of 2023

Monojit Sinha & Ors.

Vs.

The State of West Bengal & Ors.

Mr. Surendra Kumar Sharma

...for the petitioners

The order dated 16th March, 2023 passed by the Prescribed Authority and Block Land & Land Reforms Officer, Panskura-I, Purba Medinipur, is impugned in the present writ petition. The petitioners' prayer for correction of records of rights has been disallowed allegedly on the ground of an appeal filed by the Medinipore Zilla Parishad before the district Court vide Title Appeal No. 29/2012.

In the impugned order the prescribed authority has mentioned that the aforesaid appeal preferred by the Zilla Parishad has been dismissed for default on 6th August, 2019.

The Court fails to understand as to why the prescribed authority disallowed the prayer of the petitioners despite noticing the fact that the appeal filed by the Medinipore Zilla Parishad stood dismissed way back on 16th August, 2019. On dismissal of the appeal, the order passed by the Trial Court is liable to be implemented.

The prescribed authority is, accordingly, directed to take necessary steps in accordance with the direction passed by the learned Civil Judge, Junior Division, Additional Court Tamluk on 29th August, 2011 in Title Suit No. 16/208.

The impugned order passed by the prescribed authority dated 16th March, 2023 is set aside. Steps shall be taken in the matter at the earliest but, positively within a period of five months from the date of communication of this order.

The writ petition stands disposed of.

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

(Amrita Sinha, J.)