

22.01.2024
Item No.09
Court No.11
Avijit Mitra

WPLRT 135 of 2023

In re: An application under Article 226 of the Constitution of India;

And

Sk. Nazrul Islam

- Versus -

State of West Bengal & ors.

Mr. Prasanta Kumar Pakrashi

...for the petitioner

Mr. Somnath Ganguli,

Mr. Sukalpa Seal

....for he State respondents

Affidavit of service filed by the petitioner be kept on record.

The writ petition is directed against the order dated 4th October, 2023 passed by the West Bengal Land Reforms and Tenancy Tribunal in O.A. No.2889 of 2023.

Twenty Two persons (hereinafter referred to as the applicants) claiming themselves to be the co-sharers of certain lands lying in Barkadam Mouza, J.L. No.280 preferred the original application being O.A. no. 2889 of 2023 alleging inaction on the part of the concerned respondents in considering their representation. The learned Tribunal upon contested hearing observed that the writing claimed to be the representation cannot be treated as representation and accordingly. the original application was dismissed. Aggrieved

thereby, the petitioner claiming himself to be the power of attorney holder of the applicants has filed this writ petition.

Mr. Pakrashi, learned advocate appearing for the petitioner submits that certain portion of lands of the applicants have been vested to the State and certain portion of the lands have been erroneously recorded in the Record of Rights. He submits that the erroneous recordings are required to be rectified and the applicants are entitled to get compensation in respect of the lands which have been declared vested to the State.

On close scrutiny of the writing which the petitioner claims as his representation, it transpires that the same was submitted in the style of a letter demanding justice by the petitioner herein. No particulars of the land, no share of the land and no particulars of the proceedings in which the said land or any portion thereof was vested to the State, had been specified in the representation dated 10th May, 2023.

Considering the facts of the case we are of the view that the learned Tribunal has rightly observed that the said writing cannot be treated as a representation and the learned Tribunal has rightly refused to exercise its jurisdiction to give any direction upon the respondents to consider the same. We do not find any error, least to say any patent error of law in the order impugned. The order also does not suffer from any jurisdictional error warranting interference of this Court.

Accordingly, the writ petition is dismissed.

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

However, it is clarified that this order shall not preclude the applicants of the original application being O.A. no. 2889 of 2023 in preferring appropriate application before the competent forum to get their grievances redressed.

Urgent photostat certified copy of this order, if applied for, be given to the learned advocates for the parties.

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