

03
20.12.2024
Ct. No. 11
Jayanta

WPLRT 164 of 2024

Sakti Ranjan Maity
vs.
State of West Bengal & Ors.

Mrs. Usha Maity
Mr. S. Maity

....For the Petitioner.

Sk. Md. Galib
Ms. Sujata Mukherjee

....For the State/Respondents.

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

Legality and propriety of the order dated 11th December, 2024 passed by the learned Tribunal in the Original application (in short, O.A.) no. 2939 of 2024 has been called in question in this writ petition.

Ms. Maity, learned advocate for the petitioner, submits that certain plots of land were illegally declared vested to the State through a proceeding initiated in 1997 under Section 14T(3) of the West Bengal Land Reforms Act, 1955 (referred to as the Act of 1997) against the predecessor-in-interest of the petitioner. She contends that the petitioner and his other co-shares sought intervention from this Court on several occasions, and ultimately, the vesting order was set aside. Subsequently, the respondents initiated a proceeding under Section 44(2a) of the West Bengal Estate Acquisition Act, 1953, attempting to revive the vesting order under the pretext of correcting the R.S. R-O-R, but this attempt was unsuccessful.

She alleges that, based on a petition submitted by the petitioner, another proceeding for correction of the L.R. record of rights being Case No. 178 of 2022 was initiated. However, without addressing the issues raised by the petitioner before the B.L. & L.R.O., the case was disposed of by an order that is flawed. As a result, the petitioner was compelled to file a statutory appeal before the appellate authority. Since the appeal was time-barred, the petitioner also filed an application for condonation of delay in filing the appeal, along with an application for injunction.

As no date was scheduled for the hearing of the application for condonation of delay or the application for interim relief, and no effective steps were taken for the disposal of the appeal, the petitioner was compelled to file the O.A. 2939 of 2024, before the learned Tribunal. She submits that although these issues were raised before the Tribunal, the Tribunal overlooked them and merely directed the appellate authority to dispose of the appeal and its connected applications within a specific time frame.

She apprehends that the respondents may, at any time, create third-party interests in the lands that were declared vested to the State in 1997, which may result in the disturbance of the petitioner's possession over the land. She submits that unless an interim order is passed to protect the petitioner's possession of the lands and restrain the respondents from creating any third-party interests therein, the petitioner will suffer irreparable loss and injury.

Mr. Galib, learned advocate for the State respondents, strongly disputes the contention raised by Mrs. Maity. He

submits that the earlier vesting orders concerning the petitioner's land are unrelated to the present proceedings. He clarifies that the current proceedings were initiated under Section 50(1)(f) of the Act of 1997, based on an application submitted by the petitioner, and the case has since been disposed of. Aggrieved by that order, the petitioner filed a statutory appeal.

Mr. Galib submits, upon instruction, that the hearing for the application for condonation of delay filed in connection with the statutory appeal has been scheduled for 23rd December, 2024. A copy of the notice has been handed over to Mrs. Maity in Court today.

Since the hearing of the application for condonation of delay in connection with the appeal has been scheduled for 27th December, 2024, we are not inclined to pass any specific interim order as prayed for by Mrs. Maity at this stage. We direct the appellate authority to dispose of the application for condonation of delay on that date, i.e., 27th December, 2024. In the event the delay is condoned, the appellate authority shall also consider the application for interim relief on the same date. Needless to say, the DL & LRO shall dispose of the appeal within the time frame stipulated by the learned Tribunal.

The writ petition is, thus, 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.)