

15.01.2024
Item No.16
Court No.11
Avijit Mitra

WPLRT 139 of 2023

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

And

Ranajit Kumar Jana & ors.
- Versus -
The State of West Bengal & ors.

Mr. Santi Pada Pahari
...for the petitioners
Mr. Somnath Ganguly,
Mr. Raja Ram Banerjee
...for the State respondents

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

This writ application has been preferred challenging the order dated 11th August, 2022 passed by the learned West Bengal Land Reforms and Tenancy Tribunal in O.A. No.1418 of 2007 (LRTT) and a notice dated 12th May, 2023 issued by the respondent no.4.

For clarity and convenience, it would be apt to the quote the order passed by the learned Court below which reads thus:

*“Learned Advocate Mr. Santipada Pahari appears on behalf of the petitioners.
Learned Government Representative is present for the State and he submits one prayer of D.L. & L.R.O., Purba Medinipur praying for time to submit the original case record of the proceeding being No.01/1998 on the ground that it could not be traced out on search. Let the said prayer be kept with the record.
Having considered the submissions of both sides, prayer for time is allowed with a direction to produce the original case record on the next date positively*

and if necessary reconstruction of the said original case record may also be done by the authority concerned for submitting the same before this Tribunal on the next date.

Let this case be listed under the heading “Motion” on 18.05.2023 as the diary of this Bench is very much congested.”

Mr. Pahari, learned advocate appearing for the petitioners submits that in the guise of making reconstruction of the case records, the concerned respondents are going to pass a new vesting order and the notice dated 12th May, 2023 has been issued for such purpose.

Mr. Ganguly, learned Additional Government Pleader appearing for the State respondents denies and disputes such contention of Mr. Pahari. He submits that the learned Tribunal directed the D.L. & L.R.O., Purba Medinipur to produce the original case records of the proceedings being no. 01/1998 with a further direction to reconstruct the original case record if it is felt necessary. He submits that there is nothing wrong in the order under challenge in the writ petition.

Heard the learned advocates appearing for the respective parties and perused the materials on record.

From the order impugned in the writ petition it is explicit that the learned Tribunal directed the respondents to produce the original case records of the proceeding no. 01 of 1998 and since it was contended on behalf of the respondents that the record of proceeding no. 01 of 1998 could not be traced out on search, liberty

was given to the respondents to reconstruct the original case records, if necessary. In view thereof, we are of the considered view that the arguments advanced by Mr. Pahari is misconceived.

We do not find any error, least to say any patent error of law in the order impugned warranting interference of this Court.

Accordingly, the writ petition is dismissed.

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

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.)