

**IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri
Constitutional Writ Jurisdiction
Appellate Side**

WPA 1024 of 2024

**Sobharani Das
Versus
The State of West Bengal and Ors.**

Mr. Rima Sarkar, Adv.
Ms. Sidhi Sethia, Adv.

... for the petitioner

Mr. Pretom Das, Adv.
Mr. Bikash Singha, Adv.

... for the State

Ms. Rima Sarkar, learned counsel, is appearing for the petitioner. Mr. Pretom Das, learned counsel, is appearing for the State.

The petitioner says that the husband of the petitioner was a refugee who had migrated to India from erstwhile East Pakistan sometime in the year 1964 and was registered as Indian Citizen under the Provision of Section 5(1) (a) of the Citizenship Act, 1955. After acquiring the citizenship of India in the year 1964, the husband of the petitioner along with the petitioner and his children started residing at Deshbandhu Para under Ward No.10 of Haldibari Municipality, District Cooch Behar by constructing a pucca dwelling house thereon. The husband of the petitioner died in the year 1995 and during his lifetime the petitioner had requested several

time for issuance of patta of the landed property wherein the petitioner is residing but no patta was issued. Subsequently, after the death of the husband of the petitioner, the petitioner made representations before the Additional District Magistrate as well B.L. & L.R.O and both the representations are pending till date. Pending representation of the petitioner, wherein the petitioner has requested for issuance of patta in respect of the land where the petitioner is residing, the B.L. & L.R.O. has issued a notice under Section 57 of the West Bengal Land Reforms Act, 1955 without initiation any proceeding.

Counsel for the petitioner submits that B.L. & L.R.O. has no authority to issue notice without initiation of the proceeding and submits that an application for issuance of the patta is pending before the authority and as such, the notice issued by the B.L.& L.R.O. dated 7th May, 2024 be stayed.

Learned counsel for the State raised objection and submitted that B.L. & L.R.O. has the authority to issue notice and directed the petitioner to appear before the officer with all documents. He submits that the writ petition filed by the petitioner is not maintainable and if the petitioner is dissatisfied with the notice, the petitioner has to approach before the Tribunal.

Heard learned counsel for the respective parties. Perused the materials on record.

This Court finds that the petitioner has made representation on 22nd February, 2018 to the Additional District Magistrate requesting for issuance of patta and the petitioner has also made a representation to the B.L. & L.R.O., both the representation are pending.

This Court finds no purpose would be served by keeping the writ petition pending. Accordingly, the writ application being WPA 1024 of 2024 is disposed of by directing the respondent no.4 to dispose of the representation filed by the petitioner dated 22nd February, 2018 within a period of four weeks from the date of receipt of this order after giving an opportunity of hearing to the petitioner. The notice issued by the B.L. & L.R.O. under Section 57 of the West Bengal Land Reforms Act, 1955 shall remain stayed till the disposal of the representation of the petitioner.

It is made clear that if the respondent no.4 passes an order in favour of the petitioner, the notice issued by the B.L. & L.R.O. shall be treated as withdrawn and if the respondent no.4 goes against the petitioner, the B.L. & L.R.O. shall be at liberty to proceed with the matter in accordance with law.

(Krishna Rao, J.)