

26.09.2024
Item No.59
Court No.1
CHC
(disposed)

***Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Side***

W.P.L.R.T. 4 of 2024

**Sri Hemant Kumar Mittal & ors.
Vs.
The State of West Bengal & ors.**

Mr. Bikramaditya Ghosh, Advocate
Mr. Bapi Sarkar, Advocate
Mr. Deborshi Dhar, Advocate
Mr. Chayan Moni Bhowal, Advocate
...for the writ petitioners

Dr. Joyjit Choudhury,
Ld. Additional Advocate General
Mr. Subir Kumar Saha, Ld. A.G.P.
Mr. Nabankur Paul, Advocate
...for the State

1. Writ petition is directed against order dated July 30, 2024 passed by the West Bengal Land Reforms and Tenancy Tribunal in O.A. 1519 of 2020 (LRTT).
2. By the impugned order, learned Tribunal remanded the proceeding to the Block Land and Land Reforms Officer (BL & LRO) for decision.
3. Writ petitioners herein are claiming title on the basis of the title deeds executed by the vendors of such immovable properties, which, according to the writ petitioners were allowed to retain a portion of the land belonging to such vendor.

According to the writ petitioner, the purchased land allowed to be retained.

4. This claim is disputed on behalf of the State.
5. Necessary directions are required to be consulted in order to arrive at the finding as to whether, the writ petitioners are purchasers of immovable properties which were allowed to be retained.
6. Such an exercise can ideally be conducted by the concerned BL & LRO.
7. Learned Tribunal by the impugned order directed exactly that.
8. Learned advocate appearing for the writ petitioners expresses an apprehension that, the concerned BL & LRO will be persuaded by a direction of the District Land and Land Reforms Officer (DL & LRO) directing the BL & LRO to cancel the record of rights in favour of the writ petitioners and to treat the land as vested.
9. With the deepest of respect, we are unable to subscribe to the view of the learned advocate appearing for the writ petitioners.
10. Tribunal remanded the issues raised to be considered by the BL & LRO afresh. Therefore, none of the parties will be prejudiced by any of the previous observations made by any of the authorities. No doubt the concerned BL & LRO will decide the issues raised on the basis of the relevant documents and materials placed before

him being not influenced by any of the observations made in the earlier proceeding.

11. In such circumstances, we find no reason to interfere in this writ petition.
12. W.P.L.R.R. 4 of 2024 is **disposed of** without any order as to costs.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)