

05
27.02.2025
Ct. No. 11
Jayanta

WPLRT 3 of 2025

Krishna Kishore Jana @ Bibekananda Jana
Vs
State of West Bengal &Ors.

Mr. S. P. Pahari
Mr. A. Pradhan
Ms. A. Pradhan

.....For the Petitioner.

Md. T. M. Siddiqui, Ld. AGP
Mr. S. Adak
Ms. Debdooti Dutta

.....For the State/Respondents.

The present writ petition has been preferred challenging the order dated 9th August 2024, passed by the learned Tribunal in an Original Application (in short, OA) No. 1091/2023. In this order, the Tribunal concluded that although the legal heirs of Sk. Mobarak Ali were necessary parties to the OA, they had not been included as parties. As a result, the OA was dismissed on the grounds of non-maintainability.

Mr. Pahari, learned advocate representing the petitioner, drew our attention to an order passed by the BL & LRO in B.C. Case No. 36/1990 and contended that Sk. Mobarak Ali, whose name was recorded as the Bargadar in respect of the land in question, had passed away leaving behind no legal heirs. Mr. Pahari further submitted that the petitioner had brought this fact to the attention of the learned Tribunal, but the Tribunal overlooked it and dismissed the application.

Mr. Siddiqui, learned Additional Government Pleader, appearing for the State respondents, submits written instructions. The written instruction, as produced, be taken on record. In his usual fairness, he confirms that the B.L. & L.R.O., in his order passed in B.C. Case No. 36/1990, noted that Sk. Mobarak Ali, whose name was recorded as the Bargadar in respect of the subject land, had died leaving behind no legal heirs.

Based on the submissions made by the respective parties, we are of the opinion that this fact should have been brought to the attention of the learned Tribunal. However, since the order under challenge in the writ petition was passed without considering this fact, the order under assail in this writ petition is set aside.

The record reveals that the Original Application was filed before the learned Tribunal, citing the inaction on the part of the concerned BL & LRO in considering the petitioner's application dated 2nd February 2023.

As we have set aside the aforementioned order, we are inclined to dispose of this writ petition, along with the Original Application, by directing the BL & LRO to take a decision on the petitioner's application dated 2nd February 2023. The decision should be made after providing an opportunity for hearing to all interested parties and issuing a reasoned order within eight weeks from the date of receipt of a copy of this order.

It is clarified that we have not addressed the merits of the case, and all issues are kept open to be decided by the BL & LRO while making a decision on the application.

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