

WPA(P) 34 of 2025

**Choudhury Ajijur Rahaman & Ors.
Versus
The State of West Bengal & Anr.**

Mr. Partha Pratim Roy, Adv.
Mr. Dyutiman Banerjee, Adv.

...For the Petitioners

Mr. Anirban Ray, G.P.
Mr. Sk. Md. Galib, Sr. Govt. Adv.
Ms. Priyamvada Singh, Adv.

...For the State

1. This writ petition has been filed challenging a notice dated 10th April, 2023, issued under section 51A(4) and section 57 of the West Bengal Land Reforms Act, 1955. The petitioners had earlier approached the Division Bench of this Court and filed a writ petition in WPLRT No.33 of 2024 assailing the order dated 9th January, 2024, passed by the learned tribunal in O.A. 3624 of 2023 (LRTT). The said original application was filed challenging a notice issued by the authority. When the writ petition was heard by the Division Bench it was noticed that the proceedings had already been disposed of and final order has been passed. Therefore, the writ petition was disposed of by order dated 19th March, 2024, holding that the court is not inclined to interfere with the impugned order. However, the dismissal of the writ petition will not preclude the

petitioner to take appropriate steps before the competent authority in accordance with law.

2. Subsequently, another writ petition was filed by the same petitioners in WPLRT 93 of 2024 challenging the order dated 24th May, 2024, passed by the learned tribunal in O.A. 1060 of 2024 (LRTT). The said writ petition was disposed of by order dated 9th July, 2024, holding that the prescribed authority having passed final order, the learned tribunal having refused to entertain the original application citing the reason that the final order passed by the prescribed authority is appealable. There is no infirmity in the order passed by the learned tribunal to interfere with the same. The petitioners were given liberty to prefer statutory appeal before the second respondent therein and also the second respondent herein in accordance with law. In terms of the direction, the petitioners have filed an appeal before the second respondent on 18th November, 2024 and it is stated that the appeal number is WPLRT 11723 of 2024 which was filed under section 54 of the West Bengal Land Reforms Act, 1955.
3. The petitioners allege that the Appellate authority is not disposing the appeal on the ground that a writ petition in WPA(P) 263 of 2021 is pending before this Court. The petitioners having chosen to pursue the statutory remedy and the appeal is now pending before the second respondent herein, we direct the second respondent to dispose of the appeal at the earliest.

4. Since the petitioners apprehend that they will be dispossessed of the land, liberty is granted to file an application before the Appellate authority and if such application is filed, the same shall be considered by the Appellate authority on merits and in accordance with law within a period of two weeks from the date of filing such application.
5. With the above observations, the writ petition is disposed of.

(T.S. Sivagnanam)
Chief Justice

[Chaitali Chatterjee (Das), J.]