

07.04.2025
Item No.5
gd/ssd

MAT/365/2025
NASIR SHA AND ORS.
VS
NAJRUL ISLAM MALLICK AND ORS.
IA NO: CAN/1/2025, CAN/2/2025

Mr. Pulak Ranjan Mandal,
Ms. Bandana Mandal
..for the Appellants.

Mr. Jayanta Samanta,
Mr. Supriya Majumder
..for the State.

Mr. Sarwar Jahan,
Mr. Sayantan Hazra
..for the Respondent No.1.

1. This intra court appeal by the private respondent is directed against the order dated 9th July, 2024 in WPA 3908 of 2024.

2. The said order directs the officer-in-charge, Daspur Police Station to keep strict vigil over the locale and ensure that there is no breach of peace at the time of cultivation of the land by the respondent/writ petitioner.

3. The appeal is barred by time. There is a delay of 240 days in filing the appeal.

4. On going through the affidavit filed in support of the application, we find that the appellants were served with notice and they were represented by their advocate and the matter when subsequently allotted to a different Hon'ble Bench on account of

change of determination the appellants did not appear. Therefore, this can never be taken to be a sufficient cause.

5. However, since the learned advocate for the appellants insisted upon making the submissions on merit, we have considered the same as well.

6. Admittedly, an order has been passed for conversion on 11.7.2003 by the Revenue Officer, BL&LRO, Daspur-I. Subsequently a Misc. Case was filed and the same was rejected by the prescribed authority by order dated 1.3.2024. Against the said order, an appeal was preferred to the appellate authority under Section 54 of the West Bengal Land Reforms Act, 1955 which has been dismissed by order dated 16.12.2024. If the appellants were aggrieved by the said order, they should approach the tribunal which they have not done till date.

7. In the facts and circumstances of the case this court cannot adjudicate as to the nature of the property since the allegation of the appellants is that the property is a "Pirottar property".

8. Unless the revenue records shows that the land otherwise is challenged and the order has been set aside, the question of entertaining a challenge at the instance of the appellants would not arise.

9. Thus, we find that neither the appellants has shown sufficient cause for Condonation of delay nor the appeal merits consideration.

10. Accordingly, the matter is dismissed.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(CHAITALI CHATTERJEE (DAS), J.)