

23.04.2025
Item No.21
Ct. No.26
CHC
(disposed of)

W.P.L.R.T. 44 of 2025

**Sri Provansu Saha & Anr.
Vs.
Dilip Kumar Purahit**

Mr. Uttam Kumar De, Advocate
Ms. Writi De, Advocate
Ms. Riya De, Advocate
...for the petitioners

Mr. Vinay Kumar Purohit, Advocate
...for the respondent

1. Writ Petition is directed against an order dated March 22, 2024, passed by the West Bengal Land Reforms and Tenancy Tribunal in O.A. 1129 of 2023 (LRTT).
2. By the impugned order, learned Tribunal set aside the order dated January 31, 2017 by the Rent Controller and remanded the application for fixation of fair rent to the Rent Controller for fresh hearing and disposal on merit.
3. Learned advocate appearing for the petitioners submits that, records before the Rent Controller are not available. In any event, she draws the attention of the Court to the fact that, order passed by the Rent Controller was on consent.

4. Learned advocate appearing for the respondent submits that, immediately after the order dated January 31, 2017 was passed allegedly by the consent, an application for recalling was filed stating that no consent was granted for fixation of such rent.
5. Be that as it may, since we find from the record that the learned Tribunal remanded the application for fixation of fair rent to the learned Rent Controller for consideration and decision on merit, we are not minded to interfere with such direction particularly in view of rival contentions by the parties with regard to the consent recorded by the learned Rent Controller in its order dated January 31, 2017.
6. Learned Tribunal will transmit the records to the learned Rent Controller forthwith. In the event records are not received from the Learned Tribunal within seven days from date the learned Rent Controller will proceed to reconstitute the same.
7. So far as the non-availability of records are concerned before learned Rent Controller, it would be appropriate to request the learned Rent Controller to reconstitute the records, if not available, within seven days from the date of receipt of this order.
8. Learned Rent Controller is requested to consider and decide the application made by the petitioner for fixation of fair rent within four weeks from date of communication of this order.

9. **W.P.L.R.T. 44 of 2025** is **disposed of** without any order as to costs.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)