

27.01.2025
Item No.07
Court No.11
Avijit Mitra

WPLRT 48 of 2024

In re: An application under Article 226 of the Constitution of India;

And

Partha Pratim Adhikary @ Partha Adhikary
- Versus-
The State of West Bengal & ors.

Mr. Partha Pratim Adhikary
.... petitioner in-person
Mr. Supratim Dhar, Sr. Adv.,
Mr. Soumitra Bandyopadhyay,
Mr. Subhasis Bandyopadhyay
...for the State respondents

1. The supplementary affidavit of the petitioner as filed today, is taken on record.
2. In this writ petition the subject matter of challenge is the order and judgment dated April 26, 2013 as passed in OA 4052 of 2012 by the West Bengal Land Reforms and Tenancy Tribunal, First Bench (hereinafter referred to as the said 'Tribunal', in short).
3. By the said order, the said Tribunal while disposing of the said OA 4052 of 2012 directed the B.L. & L.R.O, Basanti to dispose of the proceeding as initiated by the original applicant before him pursuant to an application dated January 30, 2012 with the District Magistrate, South 24 Parganas, Alipore within a period of four months from the date of communication of the said order.
4. At the time of hearing, the writ petitioner before us draws our attention to pages no. 25 and 26 of the

supplementary affidavit as filed today being a copy of the original application dated January 30, 2012 as submitted by the original applicant with the District Magistrate, South 24 Parganas, Alipore.

5. It is submitted that during the pendency of the said proceeding the original applicant Monoranjan Bairagi died on account of an unfortunate accident on 30th June, 2015 and the present petitioner who is the son and legal heir of the original applicant, Monoranjan Bairagi (since deceased) made an application on July 23, 2015 with the B.L. & L.R.O, Basanti, District 24 Parganas (South) with a prayer to allow him to proceed with the said original application upon substitution in place and stead of his deceased father.
6. It is submitted further that as on this day such application (which has been annexed at page no.32 of the supplementary affidavit as filed today) has not yet been considered favourably.
7. *Per contra*, Mr. Dhar, learned senior counsel appearing on behalf of the State respondents at the very outset draws our attention to the report as submitted by the B.L. & L.R.O, Basanti, South 24 Parganas.
8. It is submitted by Mr. Dhar that from the said report it would reveal that on the very day of hearing before the B.L. & L.R.O, Basanti the original applicant, Monoranjan Bairagi met with an accident and subsequently died.

9. On careful consideration of the entire materials as placed before us it appears to us that after the death of the original applicant i.e. Monoranjai Bairagi, the present writ petitioner being the son and legal heir of the said Monoranjai Bairagi (since deceased) on July 23, 2015 filed an application for substitution of his name in the said Miscellaneous Proceeding being Misc. Proceeding no.9 of 2013. No material is forthcoming before us that as on this day the said substitution application dated July 23, 2015 has been disposed of or not by the concerned B.L. & L.R.O.
10. In view of such, while disposing of the instant writ petition we direct the respondent i.e, B.L. & L.R.O. Basanti to substitute the name of the present writ petitioner in Miscellaneous Proceeding being Misc. Proceeding no.9 of 2013 and thereafter to dispose of the original petitioner's application dated January 30, 2012 upon granting an opportunity of hearing both to the writ petitioner and the private respondents of the instant writ petition as directed by the said Tribunal vide its order dated April 26, 2013 in OA 4052 of 2012 positively within a period of two months from the date of this order.
11. The petitioner shall communicate this order along with the copies of the original application, the present writ petition and the supplementary affidavit filed by the petitioner to the respondent no.4 forthwith.

12. With the aforementioned observations and directions the instant writ petition is disposed of.
13. There shall, however, be no order as to costs.
14. Urgent photostat certified copy of this order, if applied for, be given to the learned advocates for the parties.

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