

D/L- 11
17/06/2025
Ct. No.-6
Aritra

C.O. 2000 of 2025
Md. Atul Islam & Ors.
Vs.
Amirchand Mondal

Mr. Rwitendra Banerjee
Mr. Shibasis Chatterjee
Mr. Sandip Kundu

...for the petitioner

This application under Article 227 of the Constitution of India is at the instance of the preemptee in a proceeding under Section 8 and 9 of the West Bengal Land Reforms Act, 1955 and is directed against an order being No.15 dated May 16, 2024 passed by the learned Civil Judge (Jr. Div.), Additional Court, Lalbagh, District-Murshidabad in Miscellaneous (Preemption) Case No.43 of 2021.

By the order impugned the application filed by the petitioner herein challenging the maintainability of the preemption application on the ground of partial preemption was disposed of upon holding that the same will be considered at the time of trial.

Mr. Banerjee, learned advocate appearing for the petitioner draws the attention of the Court to the application under Section 8 and 9 of the 1955 Act and submits that the preemption application is liable to be dismissed on the ground of short consideration.

However, such point does not appear to have been raised before the learned trial judge. It is now well-settled that an application for preemption cannot be proceeded with if the amount of consideration mentioned in the impugned deed together 10% thereof has not been deposited.

Petitioner will be at liberty to file an appropriate application in that regard and if such an application is filed the learned Civil Judge (Jr. Div.), Additional Court, Lalbagh, District-Murshidabad is requested to consider such application and dispose of the same in accordance with law after giving an opportunity of hearing to the respective parties.

With the above observations and directions CO 2000 of 2025 stands disposed of.

There will be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Hiranmay Bhattacharyya, J.)