

D/L
Item No. 2
29.07.2025
KOLE
266311

WPLRT 114 of 2025

Loknath Das
-Vs.-
State of West Bengal & Ors.

Mr. Soumya Majumder,
Mr. Firdous Samim,
Mr. Sounak Bhattacharya,
Ms. Gopa Biswas,
Mr. H. Z. Molla,

...for the appellant.

Mr. Sk. Md. Galib,
Ms. Sujata Mukherjee,

...for the State.

The present petitioner has filed an original application being OA No. 2050 of 2025 before the West Bengal Land Reforms and Tenancy Tribunal (in short 'LRTT') challenging a notice dated July 7, 2025 issued by the Block Land and Land Reforms Officer, Barrackpore-I, North 24 Parganas. The operative portion of the said notice reads as follows:-

"As such, you are hereby informed that a Restoration Work in compliance of the solemn order passed by the Hon'ble High Court, Calcutta in W.P.A. No. 18133 of 2019 is scheduled to be carried out on 14.07.2025, 12 noon over the subject plot of land being LR Plot No. 664 having area 0.16 acres, classified as 'Pukur' in Mouza Monirampur (JL-2), PS-Barrackpore by the Competent Administrative Authority. Any illegal encroachment within the plot boundary shall be removed/demolished accordingly for effective compliance of the solemn order passed by the Hon'ble High Court at Calcutta in this regard".

Learned Senior Advocate, Mr. Majumder, appearing for the petitioner says that although the original application was filed on July 21, 2025, the matter has not yet been heard. The

matter has been directed to be listed on August 19, 2025. The demolition process in aid of restoration of the concerned water-body has already been initiated by the authorities. Any day the structure raised by the petitioner will be demolished, although they are not illegal structures. In effect, the petitioner prays for an early hearing of the original application.

Mr. Galib, learned Advocate, appearing for the respondent nos. 1-5 and 8-9 fairly says that he cannot possibly oppose the prayer for expeditious hearing of the original application.

We find that in the original application there is a prayer for *ad interim* order of stay of operation of the notice dated July 7, 2025. We request the learned LRTT to consider the original application of the petitioner and in particular the prayer for *interim* order as early as possible and preferably within a fortnight from the date of communication of this order. Needless to say, if the petitioner succeeds in persuading the LRTT to interfere with the notice under challenge as an *interim* measure or otherwise, the State Authorities shall abide by such order. If the petitioner is not able to obtain a favourable order, the State Authorities shall be at liberty to act in terms of the notice dated July 7, 2025, naturally, subject to interdiction by any higher forum. Till the decision is taken on the petitioner's prayer for *interim* order, no coercive measure be taken by the State Authorities in respect of the petitioner's property.

We have only granted a breathing space to the petitioner to enable him to try his luck before the Tribunal in so far as obtaining *interim* order is concerned. On the request of Mr. Galib, we clarify that the limited protection that we have granted will not be taken into consideration by the Tribunal in deciding the petitioner's prayer for *interim* order. The Tribunal shall take a decision independently and not being influenced by any observation in this order. This limited protection granted by us shall not create any equity in favour of the petitioner.

We clarify that we have not addressed the merits of the case at all.

Since we have not called for affidavits, the allegations made in the writ petition are deemed not to be admitted by the respondents.

WPLRT 114 of 2025 is, accordingly, disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Arijit Banerjee, J.)

(Om Narayan Rai, J.)