

AD -13
Ct No.10
12.08.2025
(SSS)

W.P.L.R.T. 125 of 2025
With
CAN 1 of 2025

Balaram Mondal and Ors.
Vs.
The State of West Bengal and Ors.

Mr. Samiran Mondal,
Mr. Nitish Samanta
...For the petitioners.

Mr. Saumen Gayen,
Mr. Sandipan Maity
...For the private respondents.

Sk. Md. Galib, Sr. Govt. Adv.,
Ms. Priyamvada Singh
....For the State respondents.

1. CAN 1 of 2025 is an application for leave to prefer the writ petition before this court in view of the writ petitioners not being parties in the original application filed before the West Bengal Land Reforms and Tenancy Tribunal, in which the impugned order was passed. Learned counsel for the petitioners submits that the petitioners' predecessor's name was recorded in the CS Records of Rights, the RS Records of Rights as well as the LR Records of Rights. However, the private respondents are seeking to disrupt the same by applying before the concerned B.L. & L.R.O. for a rectification of the records.

2. It is further submitted that a civil suit is pending at the behest of the petitioners against the private respondents, where an injunction order has been passed.

3. Upon hearing learned counsel, we are of the view that since the rights of the petitioners shall be directly affected in the event an adjudication is made by the Tribunal, the petitioners have a right to challenge the order of the Tribunal. Accordingly, CAN 1 of 2025 is allowed, thereby granting leave to the petitioners to prefer the present writ petition.

4. The grievance of the petitioners is that a report of the B.L. & L.R.O. was taken on record by the Tribunal before directing the B.L. & L.R.O. to decide an application for rectification of the Records of Rights made by the private respondents. Learned counsel for the petitioners argues that the B.L. & L.R.O. has formed a prior opinion by submitting a report and as such, the petitioners apprehend that the B.L. & L.R.O. shall be influenced in passing its final order on the application of the private respondents without giving adequate opportunity of hearing to both the parties. Learned counsel for the petitioners further alleges that despite having approached the B.L. & L.R.O., no copy of the report has been given to the petitioners.

5. Heard learned counsel for the petitioners, the private respondents and the State.

6. Upon a perusal of the impugned order, we do not find any illegality or irregularity having been committed by the Tribunal, which merely directed the B.L. & L.R.O. to dispose of the representation given by the private respondents for rectification of the Records of Rights in their name with regard to a particular plot. In fact, the Tribunal clearly recorded that before such disposal, all necessary parties, including Panchanan Mondal shall be given a hearing. Since the petitioners say that the said Panchanan Mondal, the predecessor-in-interest of the petitioners, is no longer living, it is made clear that the present petitioners, who claim to be the heirs of Panchanan Mondal, shall be given a hearing.

7. Thus, we do not find any infirmity in the impugned order. Accordingly, WPLRT 125 of 2025 is disposed of without interfering with the impugned order but making it clear that the B.L. & L.R.O., Kultali Block, District – South 24 Parganas shall dispose of the representation given by the private respondent for effecting corrections to the Records of Rights upon giving adequate opportunity of hearing to all the necessary and interested parties including the present petitioners. Before such hearing, the B.L. & L.R.O. shall furnish copies of all documents,

including its report which was filed before the Tribunal, to all concerned parties including the petitioners and the private respondents. In the event the B.L. & L.R.O. seeks to rely upon further documents or the parties seek to rely upon other documents, the B.L. & L.R.O. and the parties shall circulate advance copies of all such documents among all the parties beforehand. Such circulation shall be effected at least one week prior to the date of hearing before the B.L. & L.R.O. It is expected that the B.L. & L.R.O., upon giving such opportunity of hearing and circulating all the documents, shall dispose of the representation of the private respondents as expeditiously as possible, preferably within two months from the date of communication of this order to the B.L. & L.R.O.

8. It is made abundantly clear that this court has not gone into the merits of the contentions of either of the parties and all points are kept open for being decided by the B.L. & L.R.O. in accordance with law.

9. No order as to costs.

10. The parties shall act on the server copy of this order to be downloaded from the official website of this court.

(Sabyasachi Bhattacharyya, J.)

(Uday Kumar, J.)