

03.04.2025
Item No.27
Ct. No.26
CHC
(disposed of)

WPLRT/113/2024

**Suvash Chakraborty & Ors.
Vs.
The State of West Bengal & Ors.**

Mr. J. S. Sinha, Advocate
Mr. Samrat Ganguly, Advocate
...for the petitioners

Md. T. M. Siddiqui, Ld. A.G.P.
Mr. Tanay Chakraborty, Advocate
Mr. Suddhadev Adak, Advocate
...for the State

Mr. Soumik Ganguli, Advocate
Mr. Srijib Chakraborty, Advocate
...for the respondent nos.5 & 6

Mr. Lutful Haque, Advocate
Mr. Soumitra Chatterjee, Advocate
Ms. Taharima Khatun, Advocate
...for the respondent nos.7 to 74

1. Writ Petition is directed against an order dated June 28, 2024 passed in O.A. 2280 of 2023 (LRTT) by the West Bengal Land Reforms and Tenancy Tribunal.
2. Learned advocate appearing for the petitioners submits that, the original date fixed for hearing the application by the Tribunal was on September 9, 2024. However, such date was advanced by the learned Tribunal without notice to the writ petitioners. The Original Application was thereafter decided on June 28, 2024.
3. Learned advocate appearing for the writ petitioners submits that, principles of natural justice stands

violated by the Tribunal on advancing the date of hearing of the Original Application without notice to the writ petitioners. He submits that, there is a civil suit pending between the private parties and therefore, the concerned Block Land & Land Reforms Officer, cannot decide issues raised by the private respondents.

4. State and the private respondents are represented.
5. Apparently, there are disputes between the private parties in the proceeding, with regard to certain plots of land. Applications are pending before the concerned B.L. & L.R.O with regard to the record of rights in respect of such immovable properties.
6. Two civil suits were filed in respect of the immovable properties. One was dismissed for default with the other being still pending. Learned Tribunal proceeded to dispose of the Original Application by the impugned order dated June 28, 2024 by requiring the concerned Block Land & Land Reforms Officer to hear the matter *de novo* delving into the merits of the case in accordance with law as expeditiously as possible preferably within six months from the date of communication of the order by giving fair and reasonable opportunity of hearing to the all stake holders.
7. The order dated June 28, 2024 impugned herein was passed subsequent to the earlier order dated

January 5, 2024. There is an order prior to January 5, 2024 being order dated October 16, 2023 which fixed the Original Application on September 9, 2024.

8. Learned Tribunal, apparently, took up the Original Application on January 5, 2024, on being mentioned. None appeared for the writ petitioners on January 5, 2024 is what appears from such order.
9. Yesterday when the writ petition was taken up for hearing, learned advocate who appeared for the writ petitioners, apparently, appeared for one set of private respondents in the present writ petition before the learned Tribunal. On such fact being pointed out by the appearing private respondents, such learned advocate took leave to retire which was granted.
10. Such conduct of the writ petitioners do not inspire confidence with regard to their contentions that they were not aware of the order dated January 5, 2024 or the subsequent steps taken by the Tribunal with regard to the Original Application. Pursuant to the order dated January 5, 2024, the Original Application was taken up for hearing on June 13, 2024 by the learned Tribunal. On conclusion of hearing on such date, judgment was reserved and delivered on June 28, 2024.
11. Today, we allowed the writ petitioners adequate time to argue on the matter on merits. Our attention was

not drawn to any material on record to suggest that, the concerned Block Land and Land Reforms Officer need not decide the issues raised before it, in accordance with law, as directed by the learned Tribunal. We are also informed that, the concerned Block Land & Land Reforms Officer proceeded in terms of the order dated January 28, 2024 and heard some of the parties.

12. In order to allay the fears expressed on behalf of the writ petitioners we deem it appropriate to direct the concerned Block Land & Land Reforms Officer to hear all the parties afresh upon adequate and proper notice to the parties. Notice of hearing of the proceeding, before the concerned Block Land & Land Reforms Officer, upon the learned advocate on record of the respective parties before us, will be construed to be sufficient notice of hearing, upon such parties, if they are not served individually.
13. We, therefore, request the concerned B.L. & L.R.O to hear parties afresh. The concerned B.L. & L.R.O is at liberty to decide the issues raised before it in accordance with law without being prejudiced by any of the observations made by us or by the learned Tribunal in any manner whatsoever.
14. The concerned B.L. & L.R.O is at liberty to hear such other parties and consult such other documents as it deems appropriate in deciding the issues. It will pass

a reasoned order which it will communicate to the parties it heard forthwith thereafter. It is expected that, the entire exercise is completed within the period of eight weeks from the date of communication of this order.

15. **WPLRT 113 of 2024** is **disposed of** without any order as to costs.

(Debangsu Basak, J.)

(Om Narayan Rai, J.)