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06.03.2025
Ct. No. 11
rrc

WPLRT 133 of 2022
(Satyabala Pramanick & Ors. Vs. State of
West Bengal & Ors.)

Mr. Manish Kumar Das
.... For the petitioners

Mr. Chandi Charan De, AGP
Mr. Anirban Sarkar
..... For the State respondents

The present writ petition has been preferred to challenge the order dated 5th August, 2022 passed by the learned Tribunal in a contempt application being MA 535/2017 (LRTT) filed in connection with OA 750/2016. In this order, the learned Tribunal set aside the compliance report and directed the B.L. & L.R.O. to start a fresh proceeding in compliance with the order passed in the OA after affording opportunity of hearing to the petitioner and conclude the same within a specified time frame.

Mr. Das, learned advocate appearing for the petitioners shortly put the facts of this case, that the petitioners approached the B.L. & L.R.O. with an application for the correction of the L.R. record of rights, alleging that an error had been crept in the record. The petitioner is a post-vesting transferee. In this application, he contended that the land had vested in the State under Section 14T of the West Bengal Land Reforms Act, 1955 (hereinafter referred to as the 'Act of 1955'), and therefore, he claimed benefits under Sections 14U (2) and (3) of the Act of 1955, along with consequential alteration of record of rights.

Based on that application, a Misc. Case no. 14 of 2018 was started. The petitioner claimed that initially, his contention was accepted by the B.L. & L.R.O. and, by an order dated 18th

January 2019 passed in Misc. Case no. 14 of 2018, the B.L. & L.R.O. acknowledged that there had been an error on their part. Specifically, in the remark column of the LR R-O-R, the provision under Section 49(1)(A) of the Act, 1955 was incorrectly mentioned, suggesting that a patta had been granted. However, in that order, the B.L. & L.R.O. indicated that the necessary correction would be made. The petitioners obtained a certified copy of that order. However, despite passing that order, no further steps were taken to correct the ROR. Consequently, the petitioners filed a contempt application being MA 535 of 2017, alleging a willful violation of the order passed in the OA.

During the hearing of the contempt application, a compliance report was filed, and a copy of the report was provided to the applicant. Upon reviewing the report, it was evident that a version of events that was completely inconsistent with the order, a certified copy of which had been supplied to the petitioners, was incorporated in the report. Furthermore, along with the compliance report, a copy of the fresh order dated 5th February 2019, passed in Misc. Case No. 14 of 2018, was also annexed.

The entire matter was brought to the attention of the learned Tribunal. To remove the controversy, the learned Tribunal, by passing the order under challenge, set aside the compliance report and directed the B.L. & L.R.O. to initiate a fresh proceeding. Aggrieved by this order, the petitioners have approached this Hon'ble Court.

Mr. Das, learned advocate representing the petitioners, argues that the B.L. & L.R.O. took the position that the said land had vested under the Act of 1955, and as such, the petitioners

are entitled to benefits under Sections 14U(2) and (3) of the said Act. He contends that, having taken this position, the B.L. & L.R.O. cannot later change its stance. He further submits that the petitioners' names were previously recorded in the L.R. record of rights as rayats in respect of the land in question.

Mr. De, learned Additional Government Pleader representing the State respondents, points out that the land was vested under the West Bengal Estate Acquisition Act, which does not contain provisions similar to Sections 14U(2) and (3) of the Act of 1955. Therefore, the petitioners cannot claim benefits akin to those provided under Sections 14U(2) and (3) of the said Act.

Heard the learned advocates appearing for the respective parties. Perused the materials on record.

Since the learned Tribunal took note of the two contradictory orders and, in order to avoid further controversy, set aside the compliance report and directed the B.L. & L.R.O. to initiate the proceedings afresh after affording an opportunity to the petitioners, we are of the view that no further interference is required in this writ petition.

It is expected that the B.L. & L.R.O. will conclude the proceedings after thoroughly reviewing all documents related to the land in question, providing an opportunity for hearing to the petitioners and other interested parties, and passing a reasoned order.

Needless to say, since the learned Tribunal directed the B.L. & L.R.O. to initiate fresh proceedings and conclude them in accordance with its order, it is implied that both the

contradictory orders passed on 18th January 2019 and 5th February 2019 in Misc. Case No. 14 of 2018 have been set aside.

We are not oblivious to the fact that during the pendency of this writ petition, the period specified by the learned Tribunal to conclude the proceedings has expired. Therefore, the time to conclude the proceedings is extended by a further period of eight (8) weeks from the date of receipt of the copy of this order.

With the above observations and directions, the writ petition is disposed of.

There shall, however, be no order as to costs.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

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