

D/L- 27
16/09/2025
Ct. No.-6
Aritra

C.O. 3389 of 2025

**Paritosh Das & Anr.
Vs.
Smt. Baishakhi Pramanik**

Mr. Partha Pratim Ray
Mr. Biswajit Hazra
Mr. Archisman Sain
Mr. Sk. Nadeem Ahmed

....for the petitioners

This application under Article 227 of the Constitution of India is at the instance of the pre-emptors and is directed against a judgment and order dated April 21, 2025 passed by the learned Additional District Judge, Fast Track, 4th Court at Diamond Harbour in Miscellaneous Appeal No.558 of 2015.

Mr. Ray, learned advocate appearing for the petitioner submits that the learned trial judge dismissed the pre-emption application on the ground that the entire share of the raiyat in the plot of land has been transferred. He further submits that the learned judge of the appellate court mis-directed itself by not appreciating the scope of the appeal properly and rejecting the same on the ground that the entire consideration money together with 10% thereof was not deposited.

It is not in dispute that the entire consideration money together with 10% thereof was not deposited within the statutory period of limitation for filing an application under Sections 8 and 9 of the West Land

Reforms Act praying for preemption at the instance of non-notified co-sharer. The learned judge of the appellate court took note of the decision of the Hon'ble Supreme Court in the case of **Abdul Matin Mallick vs. Subrata Bhattacharjee (Banerjee) & Ors.**, reported at **2022 (3) ICC 641 (S.C.)** and **Barasat Eye Hospital & Ors. vs. Kaustabh Mondal**, reported at **(2019) 19 SCC 767** and was right in rejecting the application under Sections 8 and 9 of the West Bengal Land Reforms Act on the ground that the entire consideration money together with 10% thereof has not been deposited within the prescribed period of limitation. The learned judge of the appellate court also permitted the petitioners to withdraw the amount that was deposited along with pre-emption application. The judgment and order does not suffer from any infirmity warranting interference under Article 227 of the Constitution of India.

According, CO 3389 of 2025 stands dismissed.

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.)