

AD -40
Ct No.16
15.12.2025
(SSS)

WPLRT 196 of 2025

Ansuman Kar Chowdhury and Anr.
Vs.
State of West Bengal and Ors.

Mr. Dilip Kumar Samanta,
Mr. Biswapriya Samanta,
Mr. Debapriya Samanta,
Mr. Suharto Palit,
Mr. Akash Kumar Chakraborty,
Ms. Rima Halder

....For the petitioners.

Mr. Chandi Charan De, Ld. Addl. Govt. Pleader,
Mr. Anirban Sarkar

.....For the State respondents.

1. Affidavit of service filed today be kept on record.
2. The present challenge has been preferred against an order whereby the Tribunal permitted the private respondent herein, who was the original applicant before the Tribunal, to withdraw such original application with liberty to file a fresh representation before the B.L. & L.R.O., Kolkata.
3. Learned counsel appearing for the petitioners submits that the said order is harassive insofar as the present writ petitioner is concerned, since litigation is pending between the parties for 59

years. Even at present, it is contended that two writ petitions are pending between the parties. The dispute centres around rival contentions between the writ petitioners and the private respondents as to ownership of a property regarding which both claim compensation.

4. Learned Additional Government Pleader, appearing for the State, points out that in the impugned order, it was *inter alia* recorded that learned counsel for the private respondents (the present writ petitioners) had raised no objection to such prayer of withdrawal made by the original applicant/private respondent.

5. We agree with such contention of learned Additional Government Pleader. It is well-settled that a consent order cannot be challenged before a superior forum.

6. Even otherwise, despite long pendency of litigation and acrimony between the private parties, fact remains that by the impugned order, the learned Tribunal merely permitted the private respondent to withdraw the private respondent's original application. There is no illegality or irregularity in such permission being given. Even otherwise, since it is not the case of the writ petitioners that any order was passed at the interlocutory stage of the original application by which some valuable right had accrued in favour

the writ petitioners which is now sought to be taken away by the withdrawal.

7. The mere liberty granted to the private respondents to file a fresh representation does not tantamount to directing such representation to be allowed.

8. In any event, any citizen of India can give any representation on a legal issue or claiming a right before any authority or State functionary at any point of time and there is nothing to prevent such course of action by the citizens. Thus, we do not find any illegality even otherwise in the impugned order.

9. Accordingly, WPLRT 196 of 2025 is dismissed on contest, thereby affirming the order dated October 27, 2025 passed by the Second Bench, West Bengal Land Reforms and Tenancy Tribunal in OA 2542/2025 (LRTT) without any order as to costs.

10. We make it abundantly clear that we have not entered into the merits of the rival contentions between the private parties in any manner whatsoever.

11. We further add that in the event any representation has been made in terms of the impugned order by the private respondents, the concerned B.L. & L.R.O. before whom such representation has been made shall decide the

same in accordance with law upon giving adequate opportunity of hearing / filing of written objection to all interested persons, including the present writ petitioners, as expeditiously as possible.

12. The parties shall act on the server copy of this order, duly downloaded from the official website of this court.

(Sabyasachi Bhattacharyya, J.)

(Supratim Bhattacharya, J.)