

S/L 13
15.05.2025
Court. No. 19
Suvayan

WPA 28348 of 2024

**Durga Pada Jana & Anr.
Vs.
The State of West Bengal & Ors.**

Mr. Agniswar Bhuinya

...for the petitioners.

Mr. Soumitra Bandyopadhyay

Mr. Subhasis Bandyopadhyay

...for the State.

1. The affidavit-of-service as filed today on behalf of the writ petitioners is taken on record.
2. By filing the instant writ petitioner the writ petitioners have prayed for issuance of appropriate writ/writs against the respondents/authorities for setting aside the entire proceeding in connection with Case no. 1/SDL/T/99 under Section 14T (3) of the West Bengal Land Reforms Act, 1955.
3. In course of his submission Mr. Bhuinya at the very outset draws attention of this Court to the copies of the various RORs as have been annexed with the instant writ petition. It is submitted by Mr. Bhuinya that from page nos. 21 and 23 of the instant writ petition it would reveal that in respect of plot no. 2864 the writ petitioners' name were recorded in the said Record of Right. It is further submitted that from the said copies of the ROR it would reveal that the extent of the land as possessed by the writ petitioners are within the limit of the ceiling as prescribed under the West Bengal Land Reforms Act, 1955 (hereinafter referred to as the 'said Act of 1955').

4. At this stage, Mr. Bhuinya draws attention of this Court to a copy of memo dated 23.10.2024 as issued by the respondent no. 4/authority at page no. 36 of the instant writ petition whereby and whereunder the said respondent no. 4/authority pursuant to an application made under the Right to Information Act, 2005 informed the writ petitioner no. 1 with regard to the vesting of land in the aforementioned plot in Mouza – Madhavpur in Nandakumar Block, District – Purba Medinipur by virtue of a vesting proceeding in connection with the aforementioned case.
5. It is submitted by Mr. Bhuinya that the alleged vesting proceeding has been done by the respondent no. 4/authority behind the back of the writ petitioners and without giving any opportunity of hearing to the writ petitioners.
6. It is thus submitted that in view of such, appropriate relief/reliefs may be granted to the writ petitioners in terms of the prayers made in the instant writ petition.
7. *Per contra*, Mr. Bandyopadhyay, learned Senior Government Advocate appearing on behalf of the respondents/State and its functionaries submits that the instant writ petition is not at all maintainable in view of the provisions of the West Bengal Land Reforms and Tenancy Tribunal Act, 1997 (hereinafter referred to as the ‘said Act of 1997’).
8. On careful consideration of the entire materials as placed before this Court and after hearing the learned Advocates for the contending parties it does not transpire to this

Court that by filing the instant writ petition the writ petitioners have made any allegation with regard to any inaction and/or action on the part of the respondent no. 4/authority. On the contrary it appears that it is the grievance of the writ petitioners that the communication dated 23.10.2024 cannot stand in view of the fact that prior to the passing of alleged order of vesting, no opportunity of hearing was given to the writ petitioners.

9. In view of such, while disposing the instant writ petition, this Court directs the respondent no. 4/authority to consider a copy of the instant writ petition as a representation of the writ petitioners. The respondent no. 4/authority is further directed to pass a reasoned order upon the said representation of the writ petitioners, after giving adequate opportunity of hearing to both the writ petitioners and/or their authorized representatives and thereafter shall pass a reasoned order and shall forthwith communicate the same to the writ petitioners preferably by mail, if the mail details of the writ petitioners are provided to him at the time of hearing.
10. The entire exercise as indicated in the foregoing paragraph is to be completed by the respondent no. 4 within 60 working days from the date of communication of the server copy of this order.
11. Liberty is given to the learned Advocate-on-Record for the writ petitioners to forward a server copy of the instant order along with a copy of the instant writ petition together with all annexures to the respondent no. 4 forthwith.

12. Respondent no. 4 is directed to act on the server copy of this order.
13. With the aforementioned observation, the instant writ petition being WPA 28348 of 2024 is disposed of.
14. Urgent Xerox certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Partha Sarathi Sen, J.)