

29.01.2025
Item No.16
KS
Ct. No.7

C.O. 4112 of 2024
Sadakkas Sk.
Versus
Sabu Siddik Sk. & Ors.

Mr. Manas Kumar Das
.....For the Petitioner

1. The petitioner who is the applicant under Section 8 of the West Bengal Land Reforms Act, 1955 before the learned Civil Judge (Junior Division), 2nd Court, Kandi, District – Murshidabad has filed this application under Article 227 of the Constitution of India challenging the order passed by the learned Additional District Judge, Kandi, District – Murshidabad in Misc. Appeal No.01 of 2018.
2. The learned Civil Judge (Junior Division), 2nd Court at Kandi, District – Murshidabad dismissed the application under Section 8 of the West Bengal Land Reforms Act, 1955 being, Misc. (L.R.) No.35 of 2014 by a judgment and order dated January 24, 2017. Being aggrieved by the said order, the petitioner has preferred a Misc. Appeal No.01 of 2018.
3. The learned Additional District Judge after taking note of the proposition of law settled by the Hon'ble Supreme Court in the case of *Barasat Eye Hospital & Ors. Vs. Dr. Kaustabh Mondal (Civil Appeal No.1090 of 2010)* recorded a factual

finding that the petitioner herein did not deposit the whole consideration money alongwith the further money as provided under Section 8 of the Act of 1955.

4. The learned advocate appearing for the petitioner could not dispute such factual position before this Court.
5. The learned Judge of the First Appellate Court was right in holding that the petitioner is not entitled to an order for preemption as he did not deposit the whole consideration money along with further 10% of the said sum.
6. In view thereof, this Court is not inclined to entertain this application under Article 227 of the Constitution of India and the same stands dismissed without, however, any order as to costs.
7. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(HIRANMAY BHATTACHARYYA, J.)