

WPLRT 165 of 2024
(Bindu Bhusan Das & Ors. Vs. The State of
West Bengal & Ors.)

Mr. Tanmay Chowdhury
Mr. Nabankur Paul
Ms. Titoprita Ghosh

.... For the petitioners

Sk. Md. Galib, Sr. Govt. Adv.
Ms. Priyambada Singh

..... For the State respondents

Mr. Animesh Mukherhjee
Md. Abdul Alim

.... For the private respondents

Affidavit-of-service, as filed, be kept on record.

The present writ petition has been preferred challenging an order dated 9th May, 2024 passed by the learned Tribunal in the Original Application (in short, OA), being OA 894 of 2024 (LRTT) in which the original applicants/respondent nos.6 and 7 herein challenged an order dated 30th January, 2024 passed by the appellate authority in the statutory appeal being Appeal Case No. 1744 of 2023 disposing of the said appeal and sending the matter back to the BL&LRO, Sainthia, Birbhum on remand for afresh proceeding, as per law.

By the impugned order dated 9th May, 2024, the learned Tribunal upon hearing the parties called for the case records from the appellate authority and fixed the matter for further consideration on 29th January, 2025 and passed an interim order staying the operation of the appellate authority order dated 30th January, 2024 till the next date fixed.

Mr. Chowdhury, learned advocate appearing for the writ petitioners/respondent nos.6 to 9 in the OA submits that the statutory appeal as preferred by the petitioners herein is not maintainable since the same has been filed on the basis of a reply furnished in response to an application under the Right to Information Act, 2005 and the same is not in conformity with Rule 29/WBLR Rules, 1965.

He submits that without deciding the said issue of maintainability, the learned Tribunal passed an interim order staying the operation of the order passed in the statutory appeal without disclosing any reason. Such infirmity warrants interference of this Court.

Mr. Galib, learned senior standing counsel enters appearance on behalf of the State respondents.

Mr. Mukherjee, learned advocate enters appearance on behalf of the private respondents and disputes the contention of Mr. Chowdhury.

We have heard the learned advocates appearing for the respective parties and considered the materials on record.

From the order impugned in the present writ petition, it appears that to decide the issue as regards maintainability of the appeal, the learned Tribunal had called for the records from the appellate authority and fixed the matter for further consideration on 29th January, 2025 and to prevent multiplicity of proceedings, the learned Tribunal has stayed the

operation of the order passed by the appellate authority till the returnable date.

We do not find any infirmity in order impugned warranting interference of this Court in the present writ petition.

Accordingly, the writ petition is dismissed.

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

Needless to observe, the learned Tribunal shall dispose of the OA as expeditiously as possible without granting any unnecessary adjournments to either of the parties.

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.)