

10.07.2025
Court No.25
Item No.3
sudipta

**IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION
APPELLATE SIDE**

**C.O. 2453 of 2025
(Assigned)**

**Rabi Oraw & Anr.
Vs.
Siman Soren & Ors.**

Mr. Tanmoy Mukherjee
Mr. Manoranjan Jana

...for the petitioners

1. Present petition has been filed challenging the order No. 127 dated 20th June, 2025 where by the Learned Civil Judge (Junior Division), Balurghat, passed an order for execution of the decree in terms of the judgment and order in Misc. (Prem.) No. 41 of 2007. The matter has been taken up as Specially Assigned matter.
2. Mr. Tanmoy Mukherjee, learned counsel for the petitioner, argued vehemently that the present execution proceedings are in violation of Section 8 of the West Bengal Land Reforms Act, 1955. Learned counsel submits that the question that if a co-sharer has sold his share in entirety whether the right of the preemption of a co-sharer exists or not is pending consideration before the Larger Bench. Learned counsel also submits that the

question that whether right of preemption under Section 8 of the West Bengal Land Reforms Act, 1955, exists in respect of Bastu land or homestead land. Learned counsel insists for ex parte stay on the ground that if the petitioner is not protected immediately, the petitioner may be dispossessed and there will be multiplicity of litigations.

3. In view of the urgency explained above, let the notice be issued to the opposite parties and the learned counsel appearing for the opposite parties.
4. Let the matter appear on 14th July, 2025.
5. Let CO 1216 of 2016 be also listed on 14th July, 2025 along with this matter.
6. All parties shall act on the basis of the server copy of this order duly downloaded from the official website of this Court.

(Dinesh Kumar Sharma, J.)