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07.01.2025
Ct. No. 11
rrc

WPLRT 168 of 2024
(Provat Kumar Pal & Ors. Vs. The State of
West Bengal & Ors.)

Mr. Prosenjit Mukherjee
Mr. Jahangir Hossain
Ms. Babita Pramanik
.... For the petitioners

Md. T. M. Siddiqui, Ld. AGP
Mr. Suddhadev Adak
..... For the State respondents

This writ petition has been filed challenging the order dated 25th November 2024, passed by the learned Tribunal in the Original Application (OA No. 2648 of 2024).

Mr. Mukherjee, the learned advocate representing the petitioners, submits that an order under Section 4C(5) of the West Bengal Land Reforms Act, 1955 (hereinafter referred to as the 'Act of 1955') was passed by the concerned B.L. & L.R.O., based on the claim that a portion of a pond comprising plot no. 636 in Mouza Chandipur, District Birbhum, was illegally converted to solid land by the petitioners.

Referring to a notification dated 17th September 2009, he argues that the order passed by the B.L. & L.R.O. is without jurisdiction and, therefore, null and void. He informs that the petitioners have filed a statutory appeal against that order and sought an interim order, but the same has not been granted. Aggrieved by this, the

petitioners were compelled to approach the learned Tribunal with the OA.

Inviting our attention to the order under challenge in this writ petition, he further argues that the learned Tribunal has accepted the petitioners' argument and has referred the issue to the D.L. & L.R.O., Birbhum, for proper consideration and disposal. However, no interim order has been passed staying the operation of the order passed by the B.L. & L.R.O., which prompted the petitioners to file the present writ petition.

He asserts that the petitioners have made out a strong prima facie case in their favor, and unless interim protection is granted to the petitioners at least until the matter is considered and disposed of by the D.L. & L.R.O., Birbhum, the petitioners will suffer irreparable loss and injury.

Mr. Siddiqui, the learned Additional Government Pleader representing the State respondents, submits that the B.L. & L.R.O. is empowered to act as a Collector under the provisions of Section 4C(5) of the Act of 1955. The order in question was duly passed by the B.L. & L.R.O. after conducting a physical inquiry. Therefore, the jurisdictional issue raised by the petitioners, in an attempt to cover their illegal action of converting the pond into solid land, has no merit. According to him, no prima facie case was made out by the petitioners before the learned Tribunal, and as such, the learned Tribunal rightly declined to pass an order in favor of the petitioners.

Admittedly, by the impugned order, the matter has been referred to the D.L. & L.R.O., Birbhum, for consideration and disposal within two months from the date of communication of the order. Therefore, the D.L. & L.R.O. is now seized of the matter, and it is expected that, while considering the case, the D.L. & L.R.O. will also address the issue of whether the B.L. & L.R.O. was duly empowered to act as the Collector when passing the order under Section 4C(5) of the Act of 1955.

Considering all these aspects and in light of the jurisdictional issue raised, we are of the view that, in the interest of justice, it would be appropriate to direct the parties to maintain the status quo regarding the nature, character, and possession of the property in question until 28th February 2025, or until the matter is considered and disposed of by the D.L. & L.R.O., Birbhum, whichever is earlier.

The petitioner is directed to communicate this order to the D.L. & L.R.O. alongwith the server copy of the order within a week from date.

With the above observations and directions, the writ petition is disposed of.

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

(Partha Sarathi Chatterjee, J.) (Tapabrata Chakraborty, J.)