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IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION  
CIVIL APPEAL NO.3036 OF 2004

KARTICK CHANDRA MONDAL & ORS. ...APPELLANT(s)

VERSUS

BADAL KUMAR DAS & ORS. ...RESPONDENT(s)

O R D E R

We have heard learned counsel for the parties including learned counsel for the State.

The only question that arises for our consideration is with regard to the interpretation of Section 10(3) of the West Bengal Land Reforms and Tenancy Tribunal Act, 1997 (for short 'the Act' \235). This Section reads as follows:

â- S 10. Application to Tribunal.â- (1) Subject to the provisions of section 6 and other provisions of this Act, a person aggrieved by any order passed by an Authority or any action taken either by an Authority or by the State Government may prefer an appeal to the Tribunal for the redressal of his grievance.

(2) Every application under sub-section (1) shall be made within sixty days from the date on which such order was passed or such action was taken, as the case may be, or within such further time as may be allowed by the Tribunal for cause shown to its satisfaction, and shall be made in such form, and shall be accompanied by such fee, as may be prescribed.

(3) Save as expressly provided in this Act, the Tribunal shall not admit an

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application referred to in sub-section

(1) unless it is satisfied thatâ-

(a) the applicant has availed of all remedial measures available to him under the relevant specified Act, and

(b) the remedial measures available under the provisions of the relevant specified Act are not adequate or shall cause undue hardship to the applicant.

(4) to (7) \*\*\* \*\* â- \235

The admitted position is that the Land Reforms and the Tenancy Tribunal (for short 'the Tribunal' \235) had entertained the application filed by the appellants. In a writ petition filed before the High Court out of which the impugned order dated 15 th

May, 2003 has arisen, it was held by the High Court that the appeal was not maintainable before the Tribunal in view of Section 10(3) of the Act.

It has been contended before us that the provision of Section 10(3) of the Act has not been correctly interpreted by the High Court and that sub-clauses (a) and (b) of Section 10(3) of the Act should be read disjunctively.

In our opinion, it is not necessary for us to go into the matter. The interest of justice would be served if the appellants are relegated to the remedy of availing an appeal under Section 44(3) of the West Bengal Estate Acquisition Act, 1953.

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Accordingly, we permit the appellants to file an

