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SLP(C)No. 1416 OF 1997  
ITEM No.2

Court No. 5

SECTION XVI

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

I.A. No.1 In  
Petition(s) for Special Leave to Appeal (Civil) No.1416/1997

(From the judgement and order dated 26/07/1996 in AFO 400/92  
of The HIGH COURT OF CALCUTTA)

PASCHIM BANGA RAJYA BHUMIJIBI SANGHA&ANR

Petitioner (s)

VERSUS

STATE OF W.B. & ORS

Respondent (s)

(For stay)

Date : 24/11/2003 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DORAISWAMY RAJU  
HON'BLE MR. JUSTICE ARIJIT PASAYAT

For Petitioner (s)MR. Gopal Subramaniam, Sr.Adv.  
Mr. Raj Kumar Gupta,Adv.  
Mr. Sheo Kumar Gupta,Adv.  
Mr. A.N. Bardiyar,Adv.

For Respondent (s)Mr. T.C. Ray, Sr.Adv.  
Mr. Ujjwal Banerjee,Adv.  
Mr. H.K. Puri,Adv.  
Mrs Sarla Chandra,Adv.

UPON hearing counsel the Court made the following  
O R D E R

Heard learned counsel appearing on either side.

Mr. Gopal Subramaniam, learned senior counsel submits that pending further hearing and disposal of the matter, the authorities are not only passing orders vesting properties which are alleged and claimed to be in the

2

possession of the parties proposed to be impleaded, in the name of the State and they are effecting mutation in the name of the Collector, but, on account of such procedure, it is feared that third party rights are likely to be created either by way of inducting directly or indirectly by back door others to the detriment of those, who, according to the petitioners, are also interested in the matter.

Per contra, Mr. T.C. Ray, learned senior counsel submits that any further orders in the matter is likely to delay the implementation of the scheme of Land Reforms in the State and, therefore, no further orders are required, as claimed for the proposed petitioners.

On a careful consideration of the respective submissions of the learned counsel appearing on either side, we are of the view that the authorities of the State shall ensure notwithstanding the vesting orders that may be passed and mutation that may be effected in the revenue records, no third party rights should be created and no such third parties be inducted or allowed to enter upon and squat on such properties pending disposal of the appeals.

Liberty to mention for early hearing granted.

I.A. No.1 is disposed of on the above terms.

(Neena Verma) (Vijay Aggarwal)

Court Master

Court Master