

2024
IN THE HIGH COURT AT CALCUTTA
APPELLATE SIDE

No. 1243 - A

Dated, Calcutta, the 2nd March, 2024

**From : Chaitali Chatterjee (Das),
Registrar General,
High Court at Calcutta.**

**To : (1) All the District Judges of West Bengal including Andaman & Nicobar Islands,
(2) Chief Judges, (i) City Civil Court (ii) City Sessions Court (iii) Presidency Small Causes Court, Calcutta,
(3) Principal Secretary, Judicial Department, Govt. of West Bengal,
(4) Director, West Bengal Judicial Academy,
(5) Member Secretary, SLSA, West Bengal.
(6) Members of the Registry of this Hon'ble Court, including Registrars of the Circuit Benches at Port Blair and Jalpaiguri**

Sub : Filling up 01 post of Judicial Member in the West Bengal Land Reforms and Tenacy Tribunal, to fall vacant w.e.f. 28.04.2024.

Sir/Madam,

This is to inform you that the Government of West Bengal is in contemplation of filling up one post of Judicial Member in the **West Bengal Land Reforms and Tenacy Tribunal**, to fall **vacant on & from 28.04.2024**.

The post will be filled up in terms of 4(2)(a) read with Sec 4(3)(b) and Sec 4(5) of the West Bengal Land Reforms and Tenacy Tribunal Act, 1997.

It is therefore requested to take a note of the above and also to circulate the same amongst the willing eligible Judicial Officers under your control, who are strictly fulfilling the eligibility criteria as mentioned above, and to send their applications along with bio-data to this end **by 22.03.2024 positively**, for taking further necessary action at this end.

The relevant letter bearing No. 390-Estt.(LRTT)/LL/N/7L-05/2003 dated 31.01.2024, of the LRC & Secretary, Land & Land Reforms and Refugee Relief & Rehabilitation Department, Government of West Bengal along with its enclosures is also available in the official website of this Hon'ble Court (www.calcuttahighcourt.gov.in), which may be consulted with prior to sending willingness.

Enclosure: As stated

Yours faithfully,


Registrar General

Government of West Bengal
Judicial Department
Block-III, 2nd Floor
Writers' Buildings, Kolkata- 700 001

Date: 12.02.2024

No: 508-J/JD/v/3H-31/2007(Pt.I)

From: Shri Siddhartha Kanjilal
Principal Secretary to the
Government of West Bengal
To: The Registrar General
High Court, Calcutta.

Envelope No. CC.....548
Received on.....20.1.2024
Office of the L.D. Registrar
High Court, Appellate Side Cal.

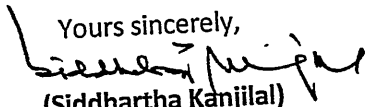
Sub: Filling up of posts of Judicial Member in the West Bengal Land Reforms and Tenancy Tribunal.

Sir,

I am to forward herewith a copy of letter bearing No.390-Estt.(LRTT)/LL/N/7L-05/2003 Dated: 31.01.2024 as received from Land & Land Reforms and Refugee, Relief & Rehabilitation Department, Government of West Bengal, which will speak for itself.

I would request you kindly to place the matter before the Hon'ble Court, for the views and directions of the Hon'ble Court in this regard.

Encl: As Stated Above.

Yours sincerely,

(Siddhartha Kanjilal)
Principal Secretary
Government of West Bengal

Date: 12.02.2024

No: 508/1(1)-J

Copy Forwarded for information to:-

1. The LRC & Secretary, Land & Land Reforms and Refugee & Rehabilitation Department, LRTT Branch, Nabanna.

Joint Secretary to the
Government of West Bengal

LD-Regn. (J.S.)

20-02-2024

JS (M) 136

Government of West Bengal
Land & Land Reforms and Refugee Relief & Rehabilitation Department
LRTT Branch
Nabanna
325, Sarat Chatterjee Road, Mandirtala, Howrah-711102.

SPEED POST

3753
05.2.24

No. 390 -Estt.(LRTT)/LL/N/7L-05/2003

Date:31.01.2024

From : The LRC & Secretary,
Land & Land Reforms and Refugee Relief & Rehabilitation Department,
Government of West Bengal.

✓ To : The Principal Secretary,
Judicial Department,
Government of West Bengal.
Writers' Buildings, Kolkata-700001.

05 FEB 2024
P.M.

Sub :- Filling up post of Judicial Member in the West Bengal Land Reforms and Tenancy Tribunal.

Sir,

This is to inform that one post of Judicial member in the West Bengal Land Reforms and Tenancy Tribunal is going to be vacated w.e.f 28.04.2024 as the tenure of Shri Saumyabrata Sarkar, Judicial Member of WBLR&TT will come to an end on 27.04.2024.

The Post of Judicial Member at WBLR&TT is to be appointed by the Governor in consultation with the Chief Justice as per sec 4(2)(a) of the West Bengal Land Reforms & Tenancy Tribunal Act, 1997 read with Sec 4(3)(b) and 4(5) of the said Act.

In the above backdrop, this is to request you to make necessary arrangement for taking up the matter with the Hon'ble Chief Justice, High Court, Calcutta for inviting nomination from eligible Hon'ble Judges for appointment to the post Judicial Member at WBLR&TT for smooth functioning of the Trinunal.

This may kindly be treated as most urgent in public interest.

Yours Faithfully,

[Signature]
LRC & Secretary to the
Government of West Bengal.

J.S. 111

D.J. (L.R.)
5.2.24

[Signature]
5/2/24

AS (LRTT) Arijit Dey
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The
Kolkata  **Gazette**
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Extraordinary
Published by Authority

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TUESDAY, SEPTEMBER 3, 2019

[SAKA 1941

PART III—Acts of the West Bengal Legislature.

GOVERNMENT OF WEST BENGAL
LAW DEPARTMENT
Legislative
NOTIFICATION

No. 1002-L.—3rd September, 2019.—The following Act of the West Bengal Legislature, having been assented to by the Governor, is hereby published for general information:—

West Bengal Act XII of 2019

**THE WEST BENGAL LAND REFORMS AND TENANCY TRIBUNAL
(AMENDMENT) ACT, 2019.**

[Passed by the West Bengal Legislature.]

[Assent of the Governor was first published in the *Kolkata Gazette*,
Extraordinary, of the 3rd September, 2019.]

An Act to amend the West Bengal Land Reforms and Tenancy Tribunal Act, 1997.

WHEREAS it is expedient to amend the West Bengal Land Reforms and Tenancy Tribunal Act, 1997, for the purpose and in the manner hereinafter appearing;

West Ben. Act
XXV of 1997.

It is hereby enacted in the Seventieth Year of the Republic of India, by the Legislature of West Bengal, as follows:—

Short title and
commencement.

1. (1) This Act may be called the West Bengal Land Reforms and Tenancy Tribunal (Amendment) Act, 2019.

*The West Bengal Land Reforms and Tenancy Tribunal
(Amendment) Act, 2019.*

(Section 2.)

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Amendment of
Section 4 of West
Ben. Act XXV of
1997.

2. In section 4 of the West Bengal Land Reforms and Tenancy Tribunal Act, 1997,—

(1) in sub-section (4), for the words and figures "the age of 65 years," the words and figures "the age of 68 years," shall be substituted;

(2) in sub-section (5), for the words and figures "the age of 62 years," the words and figures "the age of 65 years," shall be substituted;

(3) in the proviso to sub-section (6),—

(a) in clause (a), for the words and figures "the age of 65 years, or", the words and figures "the age of 68 years, or" shall be substituted;

(b) in clause (b), for the words and figures "the age of 62 years", the words and figures "the age of 65 years" shall be substituted.

By order of the Governor,

AKHILESH KUMAR PANDEY,
*Secy.-in-charge to the Govt. of West Bengal,
Law Department.*

(u) 'Tribunal' means the West Bengal Land Reforms and Tenancy Tribunal established under clause (a) of sub-section (1) of section 4.

3. Act to have overriding effect.—The provisions of this Act shall have effect notwithstanding anything to the contrary contained in any other law for the time being in force or in any custom or usage or in any contract, express or implied.

CHAPTER II

ESTABLISHMENT OF TRIBUNAL

4. Establishment of Tribunal and composition and functions thereof.—

(1) (a) The State Government shall by notification establish a Tribunal to be called the West Bengal Land Reforms and Tenancy Tribunal which shall consist of a Chairman and not less than—

- (i) one Judicial Member, and .
- (ii) one Administrative Member.

(b) the State Government shall by notification fix the place at which the Tribunal is to be held.

(2) (a) The Chairman and the Judicial Member shall be appointed by the Governor in consultation with the Chief Justice : Provided that if—

(i) the Chairman is, by reason of leave, illness or other cause, temporarily unable to discharge his functions under this Act, or

(ii) a vacancy occurs in the office of the Chairman by reason of death, resignation or otherwise, then, the State Government may authorise a Judicial Member to discharge the functions of the Chairman under this Act during the period of such temporary inability or a Chairman, appointed in accordance with the provisions of this Act, enters upon his office, as the case may be.

(b) The Administrative Member shall be appointed by the Governor on the recommendation of a Selection Committee consisting of three members, to be constituted by the Governor, of which the Chairman shall be a sitting Judge of the High Court nominated by the Chief Justice and the other two members shall be nominated by the State Government.

(3) No person shall be qualified for appointment— (a) as the Chairman unless he is, or has been, a Judge of the High Court or has held, for a period of not less than one year, the office of a Judicial Member; (b) as a Judicial Member unless he has been, or is qualified to be, a Judge of a High Court;

[(c) as an Administrative Member unless he is, or has been, an officer— (i) of the Central Government, not below the rank of a Joint Secretary to that Government, and has dealt with matters under a specified Act during his service under the State Government for a period of not less than three years, or (ii) of the State Government, not below the rank of a Joint Secretary to that Government, and has dealt with matters under a specified Act during his service under the State Government for a period of not less than five years.]

(4) The Chairman shall hold office for a term of five years from the date on which he enters upon his office or until he attains [the age of 65 years], whichever is earlier.

(5) A Judicial Member or Administrative Member shall hold office for a term of five years from the date on which he enters upon his office or until he attains the age of 62 years, whichever is earlier.

(6) The Chairman or any other Member shall be eligible for reappointment for a term of three years :

Provided that the Chairman or such other Member shall not hold office as Chairman or other Member after he has attained,—

(a) in the case of the Chairman, ⁴[the age of 65 years, or]⁵⁶

(b) in the case of other Member, the age of 62 years.

(7) If any member of a constituted service under the State Government or the Central Government is appointed to be a Judicial Member or Administrative Member, the lien of such Judicial Member or Administrative Member in such duly constituted service under the State Government or the Central Government, as the case may be, shall, notwithstanding anything to the contrary contained in any other law for the time being in force, stand terminated.

(8) The Chairman or a Judicial Member or Administrative Member shall not be removed by the Governor from his office, except on the ground of proved misbehaviour or incapacity and except after an inquiry made by the Chief Justice or by a sitting Judge of the High Court to be nominated by the Chief Justice in which such Chairman or Judicial Member or Administrative Member, as the case may be, has been informed of the

⁴ Substituted by the West Ben. Act 23 of 2002 for the following:

"(c) as an Administrative Member unless he is, or has been, an officer of the State Government or the Central Government, not below the rank of a Joint Secretary to that Government, and has dealt with matters under a specified Act during his service under the State Government for a period of not less than three years."

⁵ Substituted, *ibid* for "the age of 66 years".

⁶ Substituted, *ibid* for the age of 66 years, or".