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**(2014) 06 CAL CK 0015**  
**In the Calcutta High Court**  
**Case No : W.P.L.R.T. No. 164 of 2014**

Lal Chand Gorain

APPELLANT

Vs

State of West Bengal

RESPONDENT

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**Date of Decision :** 25-06-2014

**Acts Referred:**

**Citation :** (2014) 4 CHN 141

**Hon'ble Judges :** Jyotirmay Bhattacharya, J;Ishan Chandra Das, J

**Bench :** Division Bench

**Advocate :** Asim Hati and Falguni Bandyopadhyay, Advocates for the Appellant;  
Sadananda Ganguli and Tarun Kr. Chatterjee, Advocates for the Respondent

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## Judgement

Jyotirmay Bhattacharya, J.—The private respondents were declared as bargadars under the vendor of the petitioners by the concerned Block Land and Land Reforms Officer in a proceeding under section 20D of the West Bengal Land Reforms Act, 1955. The petitioners are the subsequent purchasers of the land in question from the erstwhile owner under whom the private respondents were recorded as bargadars. The order of the concerned authority was challenged by the petitioners in appeal before the Appellate Authority. The said appeal was dismissed on contest. The order of the concerned B.L. & L.R.O. was approved by the Appellate Authority in the said appeal.

2. Being aggrieved by and dissatisfied with the said order of the Appellate Authority, a tribunal application was filed by the petitioners before the West Bengal Land Reforms and Tenancy Tribunal, First Bench. In connection with the said tribunal application being O.A. No. 1993 of 2013 (LRTT) following interim order was prayed for by the petitioners:-

"In view of the facts and circumstances an interim order be passed restraining the Private respondents i.e. respondent No. 4 to 12 from interfering with the peaceful possession of the respective land by the applicants described in paragraph No. 2 to this Application till the disposal of the Application."

3. Admittedly after entertaining the said tribunal application, the Learned Tribunal refused to pass an interim order as prayed for by the petitioners on 19th November, 2013.

4. Challenging the said order of the Learned Tribunal, the petitioners filed a writ petition before this Court, but became unsuccessful. However direction was given upon the Learned Tribunal for expeditious disposal of the said tribunal application.

5. Subsequently the petitioners again renewed their prayer for injunction before the Learned Tribunal and such prayer of the petitioners having been rejected by the impugned order passed by the Learned Tribunal on 26th March, 2014, the petitioners have come before this Court with this writ petition.

6. We have heard the learned counsel appearing for the parties and considered the materials on record.

7. It is well settled that the principle of res judicata applies at different stages of the same proceeding. As such, the relief which the petitioners have claimed for injunction for the second time is barred by the principle of res judicata. As such, the petitioners' prayer for injunction cannot be allowed.

8. That apart, in a proceeding for recording bargadar, there is hardly any scope for passing any injunction order for protecting the possessory right of the parties.

9. As such, we hold that the Learned Tribunal did not commit any mistake in rejecting the petitioners' prayer for injunction in the facts of the instant case. The writ petition thus stands dismissed.

10. The Learned Tribunal is requested to expedite the disposal of the tribunal application as far as possible by proponing the date of hearing upon notice to all the parties. Urgent Photostat certified copy of this order, if applied for be furnished to the applicant as early as possible.

Ishan Chandra Das, J.

I agree.