

14.07.2021
rc/ct.no.10
Item No.03

WPA No. 2760 of 2019
Roofers Hotels Limited & Anr.
Versus
The State of West Bengal & Ors.
(VIA VIDEO CONFERENCE)

Sk. Reazul Islam ...for the petitioner

Mr. Soumitra Bandyopadhyay
Mr. Priyabrata Batabyal ...for the State

Mrs. Sushmita Kumari Singh ...for the Intervener

Heard the petitioner.

The grievance of the petitioner is directed against the inaction on the part of the State-respondents in considering the application of the petitioner dated April 16, 2010 for a long term settlement of the subject-premises.

It is submitted by the Advocate appearing on behalf of the petitioner that notwithstanding such application having been filed as far back as in 2010 the State respondents have not taken any action in the matter.

Mr. Priyabrata Batabyal, Advocate appearing on behalf of the State-respondents submits that the instant application is not maintainable in view of the Rule 238 of the West Bengal Land and Land Reforms Manual, 1991. He further submits that the remedy of the petitioner lies in approaching the Land Reforms Tribunal and this Hon'ble Court has no jurisdiction to entertain this petition.

I have considered the submission made on behalf of the parties. I find that the entire issue of long term settlement is exclusively within the domain of the State and the petitioner has an adequate efficacious statutory remedy under the West Bengal Land and Land Reforms Act, 1995.

In view of the aforesaid the instant writ petition being WPA 2760 of 2019 is not maintainable and is dismissed.

The petitioner is granted liberty to approach the alternative remedy, if so advised, in accordance with law.

(Ravi Krishan Kapur,J)