

December 02, 2021

ARDR

(14)

WPA 4375 of 2020

Mangal Chandra Naskar

Vs.

The State of West Bengal & Ors.

Mr. Prasanta Kumar Pakrashi,

Mr. P. Das,

...for the petitioner.

Mr. Susoven Sengupta,

Mr. Ram Chandra Guchait,

...for the State.

Heard learned counsels for the parties.

It is submitted on behalf of the petitioner that the petitioner filed an application before the West Bengal Land Reforms and Tenancy Tribunal, 1st Bench, Calcutta being O.A. no. 1160 of 2017 against the Block Land and Land Reforms Officer, Bhangar Block – II, for recording his name in the record of rights in respect of the land in question. The Tribunal granted an order in his favour which was communicated to the authority despite which the order of the learned Tribunal was not complied with by the authority. The petitioner filed a contempt application being M. A. no. 682 of 2018 before the Tribunal due to non compliance of the order of the Tribunal by the Block Land and Land Reforms Officer and vide order dated 4th March, 2018 the learned Tribunal disposed of the application with “liberty to

the petitioner to file a specific application before the authority concerned in conformity with the order passed by this Tribunal in O.A. no. 1160 of 2017 within one (1) month from the date of receipt of the certified copy of this order and the authority concerned is directed to dispose of the same within a period of two(2) months from the date of such filing”.

The grievance of the petitioner is that the said order of the Tribunal has not been complied with by the authority and his representation filed before the authority on 26th January, 2020 is still pending. The petitioner prays for a direction upon the Block Land and Land Reforms Officer, Bhangar Block – II, for compliance with the order of the Tribunal.

It is submitted on behalf of the State authorities that the writ petition is not maintainable before this Court as remedy of the petitioner lies either before the West Bengal Land Reforms and Tenancy Tribunal or before a Division Bench.

Having considered the submissions made on behalf of the parties and law on point, this Court is of the view that as the sole allegation of the petitioner is non compliance of the order of the Tribunal by the respondent authorities, the petitioner is at liberty to approach the appropriate forum for remedy. This Court, in exercise of extra ordinary jurisdiction under

Article 226 of the Constitution of India, shall not deal with the present writ petition involving compliance of order passed by a Tribunal.

With the aforesaid observations, WPA 4375 of 2020 is dismissed. However, there shall be no order as to costs.

Since no affidavit has been invited, the allegations contained in the petition are deemed not to be admitted.

Urgent certified website copy of this order, if applied for, be furnished to the parties upon compliance of all necessary formalities.

(Suvra Ghosh, J.)