

August 09, 2021

ARDR

(36)

WPA 11528 of 2021

Sulekha Sarkar

Vs.

The State of West Bengal & Ors.

Mr. Suman Chattopadhyay,
Ms. Tapasi Sinha Palit,

...for the petitioner.

Mr. Uddiya Roy,

...for the respondent no.5.

Mr. Chandi Charan De,
Mr. Soumitra Bandyopdhyay,
Mr. Anirban Sarkar,

...for the State.

The grievance of the petitioner is directed against the alleged unlawful and illegal inclusion of the name of the private respondent as owner of the subject premises.

It is alleged on behalf of the petitioner that the petitioner came to learn that the subject premises being 0.04 decimals lying in L.R. Plot no. 1256, Khatian No. 1057/1, Class – Bastu, Mouza Shakhanpukur, Police Station – Burdwan has been wrongly mutated by the private respondent no.5 behind the back of the petitioner.

It is further alleged on behalf of the petitioner that the private respondent had taken advantage of the fact that the petitioner was a married woman and has caused the mutation in favour of the private respondent unlawfully and illegally.

Mr. De appears on behalf of the State respondents and submits that in view of the statutory bar contained in Section 2(r), 6 and 8 of the West Bengal Land Reforms and Tenancy Tribunal Act, 1997, this writ petition is not maintainable since the petitioner has a statutory, alternative and efficacious remedy which the petitioner has not availed of.

The private respondent is represented and adopts the submissions of Mr. De, insofar as the maintainability of the writ petition is concerned.

I have considered the submissions made on behalf of the parties.

I find that in view of the bar contained in Section 2(r), 6 and 8 of the West Bengal Land Reforms and Tenancy Tribunal Act, 1997, this petition is not maintainable and is dismissed.

I make it clear that, I have not expressed any opinion on the merits of the case and the appropriate Land Reforms Tribunal, when and if approached by the petitioner, will consider the case of the petitioner without being influenced by any observation contained in this order and after giving the petitioner and the private respondent a right of hearing.

With the aforesaid directions, WPA 11528 of 2021 stands disposed off.

It is expected that when approach, the concerned Tribunal will hear the petitioner expeditiously and in accordance with law.

(Ravi Krishan Kapur, J.)