

03.12.2021
rc/ct.no.10
Item No.10

WPA No. 17917 of 2019
Sri Bablu Naskar
Versus
The State of West Bengal & Ors.

Mr. Prasanta Kumar Pakrashi
Mr. P. Das ...for the petitioner

Mr. Susovan Sengupta ...for the State

The petitioner is represented.

The State-respondents are not represented despite service of notice.

Mr. Susovan Sengupta, Advocate who usually appears on behalf of the State and is present in Court is requested to represent the State along with a junior of his choice in this matter. The appointment of Mr. Sengupta and his junior in this matter be regularised by the learned Legal Remembrancer.

Heard learned counsels appearing 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, 4th Bench, Calcutta being O.A.No. 2507 of 2018 for recording his name in the record of rights in respect of the land in question. The Tribunal granted an order in his favour on 28th March 2019 which was communicated to the authority.

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 21st May, 2019 is still pending. The petitioner prays for a direction upon the Sub-Divisional Land and Land Reforms Officer, Baruipur, District 24-Parganas (South) 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 of this Court.

Having considered the submissions made on behalf of the parties and law on the 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 No. 17917 of 2019 is dismissed.

However, there shall be no order as to costs.

Since no affidavit is 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 necessary formalities.

(Suvra Ghosh,J)