

12.07.2021
rc/ct.no.10
Item No.33

WPA No. 19006 of 2019
Satirani Sardar
Versus
The State of West Bengal & Ors.
(VIA VIDEO CONFERENCE)

Mr. Ajay Debnath ...for the petitioner

Mr. Partha Pratim Roy
Mr. Ram Chandra Guchait ..for the State

The grievance of the petitioner is directed against the illegal conversion and mutation of the petitioner's land in the Record of Rights. In particular, the petitioner complains of illegal conversion and mutation of the subject-premises.

The State is represented and raises an objection as to the maintainability of this writ petition.

It is also submitted on behalf of the State that the grievance of the petitioner ought not to be considered in view of the provisions of the West Bengal Land Reforms and Tenancy Act, 1997 (hereinafter referred to as "the Act"). In particular, the State relies on Sections 2(r) and 6 of the Act.

I have considered the submissions made on behalf of the parties. I find that in view of the prayer contained in this writ petition and more particularly prayer (a) seeking rectification of the land records the petitioner has an alternative statutory remedy under the provisions of the Act.

Accordingly the petitioner ought to have exhausted the statutory alternative remedy under the provisions of the Act before approaching the Court.

Hence, the petition being W.P. No. 19006 of 2019 is dismissed on the ground of maintainability.

The connected application being CAN No. 1 of 2020 is also dismissed accordingly.

There shall be, however, no order as to costs.

(Ravi Krishan Kapur,J)