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Ct. No. 2

**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Jurisdiction
(Via Video Conference)**

W.P.A. 295 of 2021
Majibar Rahaman
-Versus-
The State of West Bengal & Ors.

Mr. Narendra Nath Das ...For the Petitioner

Mr. Hirak Barman
Mr. Bikramaditya Ghosh ...For the State Respondents

This is an application under Article 226 of the Constitution of India wherein the writ petitioner is aggrieved by the inaction on the part of the respondent authorities in not complying with the provisions of Section 6(5) and Section 44(2a) of the West Bengal Estate Acquisition Act, 1953 in term of an order passed by the District Land and Land Reforms Officer, Jalpaiguri.

Learned Counsel appearing on behalf of the State respondents raised preliminary objection with regard to maintainability of the writ petition. He submits that as per the West Bengal Land reforms and Tenancy Tribunal Act, 1997 (hereinafter referred to as the said Act of 1997), it is clear that any matter in relation to the specified acts under Section 2(r) are to be dealt with by the Tribunal set up under the Act. He further submits that Section 6 of the said Act of 1997 specifically provides jurisdiction of the Tribunal.

I have heard learned Counsel appearing on behalf of the parties and perused the materials placed on record.

It is to be noted that the Hon'ble Apex Court in

the case of *L. Chandra Kumar Vs. Union of India & Ors.*, reported in (1997) 3 SCC 261 has laid down the principle that the High Court shall not be denuded of the jurisdiction under Article 226 of the Constitution of India. However, the Supreme Court held that the Tribunal set up under Article 323A and Article 323B of the Constitution of India shall act as a filter and shall be the first forum for filing of writs with regard to the subjects therein.

Accordingly, it is clear that the present matter is covered by the said Act of 1997, and therefore, I do not wish to entertain this writ petition as the petitioner has an alternative forum provided by the statute.

In the light of the above, the writ petition is dismissed with liberty given to the petitioner to approach before the appropriate forum.

There shall be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the parties, on priority basis.

(Shekhar B. Saraf, J.)