

13.
13-05-2022
debajyoti
(Ct. no.06)

MAT 259 of 2020
+
IA NO:CAN/1/2020 (Old No:CAN/2364/2020)
+
CAN/2/2020 (Old No:CAN/2365/2020)

Sri Kalyani Prasad Singha Deb
Vs.
The State of West Bengal & Ors.

Mr. Bhagbat Chaudhuri

... For the Appellant.

Re : CAN 2364 of 2020

This is an application for condonation of delay of 62 days in filing the appeal. Causes shown being sufficient, the delay is condoned.

The application being CAN 2364 of 2020 is, thus, allowed.

Re : MAT/259/2020 & CAN/2365/2020

It appears that the dispute involved in the writ petition relates to submission of Form-B with regard to a 'Haat'. The subject matter of the writ petition is covered by the provisions of the West Bengal Estates Acquisition Act, 1953, which is a specified Act under the West Bengal Land Reforms and Tenancy Tribunal Act, 1997.

In that view of the matter, we are of the opinion that the learned Single Judge ought not to have entertained the writ petition due to lack of jurisdiction. As a forum of first instance, the writ petitioner ought

to have approached the Tribunal constituted under the said Act.

Accordingly, we set aside the order of the learned Single Judge, granting liberty to the writ petitioner to approach the West Bengal Land Reforms and Tenancy Tribunal by filing appropriate application, if he is otherwise entitled to do so in accordance with law.

MAT 259 of 2020 and CAN 2365 of 2020 are, accordingly, disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

Urgent photostat certified copies of this order, if applied for, be supplied to the parties on compliance of necessary formalities.

(Kausik Chanda, J.) (Arijit Banerjee, J.)