

28.11.2022
rc/ct.no.10
Item No.67

WPA No. 14675 of 2022

Mr. Kushal Chatterjee
Mr. Debabrata Roy ...for the Petitioner

Mr. Ashim Kumar Ganguly
Mr. Bellal Shaikh ...for the State

The petitioner prays for issuance of writ in the nature of mandamus upon Block Land and Land Reforms Officer, Uluberia-II for expeditious disposal of B.D.Case No. 1/LR(Ulu-II)/2012 expeditiously.

Learned counsel appearing for the State-respondents challenges the maintainability of the writ petition on the ground that the writ petition is governed by the West Bengal Land Reforms Act, 1955 (hereinafter referred to as "the Act of 1955") which is specified Act and this Court has no jurisdiction to deal with the same.

It is not in dispute that the Act of 1955 is a specified Act under Section 2(r) of the West Bengal Land Reforms and Tenancy Tribunal Act, 1997. Section 6 of the Act authorises the Tribunal to exercise jurisdiction, power and authority in relation to any order passed by an authority under the specified Act or an application complaining inaction or culpable negligence of an authority under a specified Act. Section 8 of the Act of 1955 excludes the jurisdiction of the High Court except where the Court exercises writ jurisdiction under Articles 226 and 227 of

the Constitution of India by a Division Bench or any Civil Court, except the Supreme Court in dealing with any proceeding or application in relation to adjudication under any provision of a specified Act.

In view of exclusion of this Court in dealing with the present issue, the writ petition is dismissed as not maintainable.

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

Urgent certified website copy of this order, if applied for, be furnished to the parties upon compliance of necessary formalities.

(Suvra Ghosh,J)