

WPLRT 38 of 2006

Rabindra Nath Panda & Ors.
Vs.
The State of West Bengal & Ors.

Mr. D. K. Adhikary
... for the Petitioners

The writ petition is directed against an order dated December 5, 2005 passed by the West Bengal Land Reforms and Tenancy Tribunal in O.A. 2153 of 2005.

Writ petitioners are essentially aggrieved by an order passed by the concerned Block Land and Land Reforms Officer (BL&LRO) on April 20, 2004. Writ petitioner did not prefer any appeal against such order. Writ petitioners sought to approach the learned Tribunal that too after a delay of about 360 days from the date of the order of the concerned BL&LRO. No extraordinary case was made out for the writ petitioners to approach the learned Tribunal directly from the order of the concerned BL&LRO. No ground exists as to why the writ petitioners will not exhaust statutory remedy of appeal.

The learned Tribunal by the impugned order found that, since there was a statutory alternative remedy available

by way of an appeal and since, there was a failure on the part of the writ petitioner to explain the delay in approaching the learned Tribunal, the original application was dismissed.

The learned Tribunal, however, clarified that its order will not prevent the writ petitioner from filing the dispute before the authority under Section 57 (B)(3) of the West Bengal Estate Acquisition Act, 1953 and disputes if filed under Section 57 (B)(3) of the Act of 1953 shall disposed of the same in accordance with law.

In such circumstances, we find no merit in the present writ petition.

WPLRT 38 of 2006 is dismissed without any order as to costs.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)