

19-12-2023
ct no. 15
Sl. 68
sp

WPA 7655 of 2019

Md. Masud Mallick

-Versus-

State of West Bengal & Ors.

Mr. Pran Gopal Das,
Mr. Tanmoy Sett

...for the petitioner

Mr. Tapan Kumar Mukherjee, Id. A.G.P.
Ms. Sangeeta Roy

...for the State

The writ petition has been preferred, inter alia, with the following prayer:

- a) *“A Writ of and/or in the nature of Mandamus do issue commanding the respondent no. 4 and each of them to take actions forthwith with regard to the Petitioner’s letter dated March 7, 2019, for supply of the certified copy of the said order dated March 01, 1994, alleged to have been passed in Annulment Case No. 25/Bar/92-93 as mentioned in paragraphs 47 and 49 hereinabove within two weeks from the date of directions as may be passed by this Hon’ble Court;*

b) A Writ of and/or in the nature of Certiorari commanding the respondent nos. 3, 4 and 5 and each of them to transmit all relevant records with regard to the Annulment Case No. 25/Bar/92-93, so that conscionable justice may be done quashing any impugned if at exists contrary to law.”

At the threshold Mr. Tapan Kumar Mukherjee, learned Additional Government Pleader raises the point of maintainability of this writ petition since the prayer of the petitioner centers around Annulment Case No. 25/Bar/92-93 which has been initiated in terms of the relevant provisions of the West Bengal Land Reforms Act, 1955. According to Mr. Mukherjee, petitioner virtually prays for annulment of patta which was initially granted in favour of the petitioner.

On the contrary, the learned advocate representing the petitioner submits that the prayer couched in this writ petition is innocuous since nothing is required to decide on merit rather petitioner prays for supply of certified copy of the order dated 1st March, 1994 passed in Annulment Case No. 25/Bar/92-93.

Therefore, according to the petitioner there is no impediment in entertaining this writ petition thereby directing the concerned respondents authority to supply certified copy of the order dated 1st March, 1994.

Having considered the rival submissions made on behalf of the petitioner and State respondents, it appears that in effect petitioner has prayed for supply of certified copy of the order dated 1st March, 1994 passed in Annulment Case No. 25/Bar/92-93 and another prayer which has been made in the writ petition is transmission of all relevant records relating to the said Annulment Case so that conscionable justice may be administered. It appears that it has been rightly pointed out by Mr. Mukherjee upon placing reliance on Section 2(r)(ii) of the West Bengal Land Reforms and Tenancy Tribunal Act, 1997 that one of the specified Acts under the aforesaid Act is West Bengal Land Reforms Act, 1955. Therefore, any issue including the issue relating to inaction on the part of the respondent authorities in not supplying certified copy of the order passed in Annulment Case comes under the purview of the West Bengal Land Reforms Act, 1955 as a result whereof remedy lies before the West

Bengal Land Reforms and Tenancy Tribunal by lodging of original application.

In view of aforesaid scenario, the writ petition is dismissed since the same is found to be not maintainable.

However, this order shall not preclude the petitioner to take steps in accordance with law, if so advised.

There shall be no order as to costs.

Urgent xerox certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)