

10.05.2023
SL No.22
Court No.8
(gc)

SAT 298 of 2015

**Shyamal Kr. Chowdhury & Ors.
Vs.
State of West Bengal & Ors.**

The appellants are not represented, nor any accommodation is prayed for on behalf of the appellants. The appeal is of the year 2015. The matter initially appeared in the Warning List on 6th March, 2023 and thereafter transferred to the Regular List on 21st March, 2023. Since then the matter is appearing in the list. The appellants have due notice about the listing of the matter. The appeal is defective since 2nd July, 2015. No attempt has been made to remove the defect.

The appellate judgment and decree dated 14th July, 2014 affirming the judgment and decree dated 30th June, 2011 passed by the Trial Court in a suit for declaration and injunction is a subject matter of challenge in this second appeal.

We have carefully read the judgment of both the Courts. The Trial Court dismissed the suit on contest. The First Appellate Court affirmed the said decree. In the suit, the plaintiff has prayed for a declaration that the vesting of the property by the State of West Bengal was improper. This certainly could not have been decided by the Civil Court as it falls within the domain of the Tribunal constituted under the West Bengal Land Reforms

and Tenancy Tribunal Act, 1977. The jurisdiction of the Civil Court has expressly excluded.

Accordingly, no substantial question of law is involved in this second appeal.

Hence, the second appeal stands dismissed at the admission stage.

However, there shall be no order as to costs.

(Uday Kumar, J.)

(Soumen Sen, J.)