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19.09.2023
Ct. No.10
b.das

WPA 21703 of 2023

Sunidhi Developers Pvt. Ltd. & Anr.
Vs.
State of W. B. & Ors.

Mr. Arka Pratim Chowdhury
Mr. Sunny Nandy
Mr. T.Singha Roy
Ms. T. Chowdhury
Ms. S. Chakraborty ...for the petitioners.

Mr. Ashim Kr. Ganguly
Mr. Tarak Karan ...for the State.

Mr. Dipayan Kundu ...for respondent nos.5 & 6.

Heard learned counsels for the parties.

The order passed by the Deputy Controller, Kolkata Thika Tenancy on 26th April, 2023 is assailed in the writ petition.

The writ petition is not maintainable on two fold grounds:-

Firstly, this Court has no jurisdiction to deal with matters under the West Bengal Thika Tenancy Act in view of provision laid down under sections 6 and 8 of the West Bengal Land Reforms and Tenancy Tribunal Act, 1997. Secondly, it appears from an order passed by a co-ordinate Bench of this Court on 4th September, 2023 in WPA 21268 of 2023 that the writ petitioners have preferred an appeal before the appropriate authority against the order under challenge in the present writ

petition, such fact being deliberately suppressed by the petitioners in the writ petition.

The writ petitioners have not come before this Court with clean hands and are therefore, not entitled to any relief in the writ petition.

In view of the above, the writ petition being WPA 21703 of 2023 is dismissed.

However, there shall be no order as to costs.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)