

**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Constitutional Writ Jurisdiction**

33 21.09.2023
Ct. no. 2
S.Bag

WPA/581/2023

MANINDRA DAS
VS
THE STATE OF WEST BENGAL AND ORS

Mr. Hiram Barman
Ms. B. Bose

...for the State

Ms. Suman Sehanabis (Mandal)

...for the private respondent nos. 8 to 15

The subject matter of this petition pertains to one Putimari Hat Bazar which has been operational on RS Plot No. 215 corresponding to LR Plot No.297 of Mouz-Putimari for the last 70 years. The LR Plot No.297 of Mouza-Putimari is a vested land measuring approximately 12 acres. There is a school, play-ground, mosque and a bazaar on the said premises. This is the only bazar in the locality.

The grievance of the petitioner is against an alleged illegal and unauthorized construction. It is submitted on behalf of the petitioner that recently there has been a new construction outside the house of the petitioner without any sanction plan from the Panchayat Authorities. Such alleged

construction has interfered with the ingress and egress of the petitioner's house and is causing serious inconvenience to the petitioner.

It is submitted on behalf of the private respondent that the entire land which forms the subject matter of the writ petition is vested land and the petition is not maintainable in view of the embargo contained in the West Bengal Land Reforms Act, 1955.

Admittedly, the subject premises falls within the ambit of the provisions of the West Bengal Land Reforms Act, 1955. As such, the petitioner has an alternative statutory efficacious remedy under the provisions of the aforesaid Act.

There are no grounds warranting exercise of any discretion by this Court nor have any exceptional circumstances been urged.

In such circumstances, in view of the alternative remedy available to the petitioner under the Act, WPA/581/2023 stands dismissed as not maintainable.

(Ravi Krishan Kapur, J.)