

01.08.2024

Sl.No. 24
Ct.No. 2
Amalranjan

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

WPA 5934 of 2024

Midnapore Nuton Alo Athletic Club
Vs.
The State of West Bengal & Ors.

Mr. Amit Ranjan Pati
Ms. Swastika Chowdhury
...for the petitioner

Mr. Sujay Bandyopadhyay
Mr. Pradipta Siddhanta
...for the Municipality

Mr. Chandi Charan De
Mr. Anirban Sarkar
...for the State respondents

Affidavit of service filed in court today is
taken on record.

The petitioner claims to be a registered Club
under the Societies Registration Act. The
petitioner submits that since 2002 it is applying
for obtaining a long term lease of a particular
plot of land to run its Club. Last of such
representation has been made on February 20,
2024 annexure P-8 at page 102 to the writ
petition.

Referring to Sub-Section 5 to Section 49 of
the West Bengal Land Reforms Act, 1955 Mr.
Amit Ranjan Pati, learned counsel appearing for
the petitioner submits that the Club is asking

the lease for a public purpose so that the local children can play and to hold various sports events on the said land.

He further refers the relevant provisions from the West Bengal Land Reforms Manual, 1991 and submits that the land for non-agricultural purpose shall be settled on long term lease.

After considering the submissions made on behalf of the petitioner, it appears to this court that, the entire claim of the petitioner roams around various provisions of the West Bengal Land Reforms Act, 1955. Any claim relating to the said Act of 1955, the jurisdictional Land Reforms and Tenancy Tribunal is the jurisdictional forum and writ petition is not maintainable. Section 2(r) of the West Bengal Land Reforms and Tenancy Tribunal Act, 1997 provides for exclusive jurisdiction before the tenancy tribunal.

The remedy available before the Jurisdictional and Land Reforms and Tenancy Tribunal is an alternative, efficacious and speedy remedy provided under the statute.

In the view of the above, the writ petition **WPA 5934 of 2024** stands dismissed, without any order as to costs.

It is made clear that the this court has not gone into the merits of the claim of the petitioner in this writ petition.

In the event, the petitioner institutes the proceeding before the Jurisdictional Land Reforms and Tenancy Tribunal, subject to its maintainability, the Tribunal shall decide the proceeding and come to its logical conclusion with reasons, as expeditiously as possible, in accordance with law.

Urgent certified photo copy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Aniruddha Roy,J.)