

16.07.2024
Ct. No. 2
Sl. No. 19
tbsr

WPA 15806 of 2024

**Baidyanath Matsya Chasi Swanirbhar Dal & Anr.
Vs.
State of West Bengal & Ors.**

Mr. S. K. Haldar
Mr. A. K. Sarkar

.....for the petitioners

Mr. Asish Kumar Guha
Mr. Jayak Kumar Gupta

....for the State

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

Considering the **prayers (a) and (b)** of the writ petition, this Court is of the view that, since the petitioners are seeking for invocation of the arbitration clause arising out of a dispute between the petitioners and lessor of the subject pond, this Constitutional Court in exercise of its jurisdiction under article 226 of the Constitution of India cannot exercise its power.

The petitioners shall be at liberty to invoke the arbitration clause in accordance with law, if the petitioners are entitled to do so in law.

It is made clear that, this Court has not gone into the merits of the claim of the writ petitioners pleaded in this writ petition in any manner and the petitioners shall be at liberty to raise all its claims in the appropriate

proceeding, in accordance with law, if they are entitled to do so in law.

Since affidavits are not called for, the allegations made in this writ petition are deemed not to have been admitted by the respondents.

With the above observations, this writ petition, **WPA 15806 of 2024** stands **disposed of**, without any order as to costs.

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.)