

Court No. 2
07.10.2024
(Item No. 14)
(AB)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. 24214 of 2024

Swapan Kumar Paul
VS
The State of West Bengal & Ors.
Ms. Pampa Dey (Dhabal)
Mr. Biswarup Chatterjee
.... For the petitioner
Sk. Md. Galib
Mr. Abu Siddique Mallik
.... For the State respondentNos. 1-5

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

Mr. Biswarup Chatterjee, learned advocate appears for the petitioner.

Mr. Abu Siddique Mallik, learned State advocate appears for respondent Nos. 1 to 5.

Private respondent Nos. 6 and 7 are not represented, despite notice.

From the relevant claim in **prayer (a)** to the writ petition, it appears to this Court that, a statutory appeal shall lie under **Section 54 of the West Bengal Land Reforms Act, 1955** before the jurisdictional appellate forum. Accordingly, this writ petition is not maintainable since there is an adequate and effective redressal forum is prescribed under the statute.

Learned counsel for the petitioner submits that, no such appeal has yet been preferred from the impugned order dated **September 7, 2024, annexure P-5** at **page 54** to the writ petition.

Considering the above, the writ petitioner shall be at liberty to file the statutory appeal within a period of **four weeks** from date upon impleading all the necessary and proper parties therein.

In the event, such appeal is filed, the statutory appellate authority under **Section 54** of the said **1955 Act** shall immediately register the same and shall dispose of the same after granting an opportunity of hearing to the parties thereto and by passing a reasoned order in accordance with law positively within a period of **eight weeks** from the date of registration of the appeal.

It is made clear that, this Court has not gone into the merits of the claim of the petitioner and the petitioner and all other parties shall be at liberty to urge whatever points they wish to urge by relying upon whatever records and documents they wish to rely upon but the same shall not travel beyond the scope of the appeal to be preferred.

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 and directions this writ petition **W.P.A. 24214 of 2024** stands **disposed of**, without any order as to costs.

Photostat certified copy of this order, if applied for, be furnished expeditiously.

(Aniruddha Roy, J.)