

**06.12.2024**

Item No. 15

Crt.No.02

b.r.

**WPA 25137 of 2024**

***Subhas Chandra Mahato***

***-vs-***

***The State of West Bengal & Ors.***

**Mr. Jaydip Basu**

**Mr. Kaustav Chatterjee**

**.... For the petitioner.**

**Mr. Ram Chandra Guchhait**

**.... For the State.**

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

Mr. Jaydip Basu, learned counsel, appears for the petitioner.

Mr. Ram Chandra Guchhait, learned State counsel appears for the State-Respondents.

The principal prayer in the writ petition is quoted below:-

“a. A writ of and/or in the nature of Mandamus do issue commanding the Respondent Authorities concerned to rectify and correct the Record of Rights in favour of the Petitioner in terms of the Judgement and Decree passed by the competent Civil Court in Title Suit No.44 of 1979, affirmed in appeal in Title Appeal 05 of 1986 and execution in O.C. Suit No. 123 of 1993.”

In view of the bar under **Sub-Section- (r) to Section 2** of the **West Bengal Land Reforms and Tenancy Tribunal Act, 1997**, this writ petition is not maintainable and the jurisdictional **Land Reforms and Tenancy Tribunal** is the jurisdictional authority.

The petitioner shall be at liberty to file necessary application before the jurisdictional **Land Reforms and Tenancy Tribunal** within **two weeks** from date.

In the event, such an application is filed, the same shall be registered by the office of the **jurisdictional Tribunal** on the same day itself.

The jurisdictional **Tenancy Tribunal** then after hearing the parties to the said proceeding shall dispose of the same by passing its reasoned order preferably within a period of **six months** from the date of filing of the said application.

It is made clear that this Court has not gone into the merits of the claim of the petitioner and the petitioner shall be at liberty to urge whatever points he wishes to urge by relying upon whatever records and documents he wishes to rely upon before the **jurisdictional Tribunal**.

It is further made clear that while deciding the application, the Tribunal shall do the same independently without being influenced by observation made by this Court, if any.

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, **WPA 25137 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.)**