

26.11.2024
Sl. No. 57
g.b.
Court No.02

W.P.A. 26883 of 2024

Mothabari Dhibar Samabay Samiti Ltd.
-Vs-
The State of West Bengal & Ors.

Mr. Sumit Roy

.....For the Petitioner

Mr. Ayan Banerjee

Mr. Amrita Lal Chatterjee

.....For the State

Mr. Sumit Roy, learned advocate appears for the petitioner.

Mr. Ayan Banerjee, learned State counsel appears for the State respondent Nos. 1 to 6.

This is the second round of writ litigation.

The first writ petition was disposed of by a Co-ordinate Bench by its order dated 22nd May, 2024.

In pursuance whereof the respondent no.2 has passed the impugned order dated August 1, 2024 at page 37 to the writ petition.

On perusal of the impugned order it appears to this court that in view of the bar imposed under **Sub-Section (r) of Section 2 read with Section 8 of the West Bengal Land Reforms and Tenancy**

Tribunal Act, 1997, this Court is of the view that this writ petition is not maintainable.

The petitioner shall be at liberty to apply before the **Jurisdictional Land Reforms and Tenancy Tribunal** on the self-same cause of action. The petitioner shall be at liberty to file such necessary application within four weeks from date before the Tribunal.

In the event such application is filed by the petitioner, the Jurisdictional Tribunal shall proceed with the same and come to its logical conclusion after granting an opportunity of hearing to the parties thereto by passing a reasoned order within a time frame of eight months from the date of filing of the application.

It is made clear that this court has not gone into the merits of the case of the petitioner and the petitioner shall be at liberty to take whatever points he wishes to take by relying upon whatever paper and documents he wishes to rely upon before the Tribunal.

In the event the order of Tribunal goes in favour of the petitioner, then appropriate State Authority shall take all necessary and consequential steps to give an immediate effect thereto positively

within a period of four weeks from the date of communication of the order of the Tribunal.

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

With the above observation and direction **WPA 26883 of 2024** stands **disposed of**, without any order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties expeditiously after completion of all necessary formalities.

(Aniruddha Roy, J.)