

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

44 04.12.2024
Sc Ct. no.2

WPA 28458 OF 2024

Jogesh Chandra Saha

Vs.

State of West Bengal & Ors.

Mr. Debasis Sur

Mr. Hare Krishna Halder.

.... For the Petitioner

Mr. Ayan Banerjee

Ms. Priyanka Jana.

.... For the Respondents
State

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

Mr. Debasis Sur, learned counsel appears for the petitioner.

Mr. Ayan Banerjee, learned State counsel appears for the respondents State.

The prayers of the writ petition are quoted below :

“A) Writ in the nature of Mandamus commending particularly the respondent authorities to fix the date of field enquiry to the Dag No.1860, Mouza-D.S. 1891 also Mouza Mohanbati) J L No.151 in connection with Mis. Case No.03/MISC/Rai-BL/2024 dt 29.07.2024 pending before the B.L. & L.R.O Raiganj, Uttardinajpur.

B. Writ in the nature of Mandamus commending particularly the respondent authorities to conclude the hearing of the mutation proceeding and reschedule the date of the mutation proceeding upon notice to the of all interested parties and also supply the copy of the enquiry report to of all interest parties for deciding the pending mutation proceeding in

connection Mis. Case No.03/MISC/Rai-BL/2024 dt 29.07.2024 pending before the B.L. & L.R.O Raiganj, Uttardinajpur.

C. Directing upon the respondent authorities to fixed the date for field enquiry in terms of the representation dated 28.8.2024 filed by the petitioner since pending before the B.L. & L.R.O, Raiganj, Uttardinajpur.

D. A writ of or in nature of certiorari commanding the respondents and/or their men, assigns agents and representatives and/or each of them to forthwith and/or immediately certify and/or transmit to this Hon'ble Court and directing the Respondent authorities to supply the enquiry report after the field enquiry to the land in question to produce the records pertaining to all relevant records and/or documents before this Hon'ble court for the purpose verification and scrutiny of this Hon'ble Court, So that, the conscionable justice may be done."

Considering the prayers made in the writ petition, this Court is of the view that, the reliefs claimed by the petitioner principally for mutation and/or in aid of the mutation. The appropriate statutory authority to decide the issue is the jurisdictional Land Reforms and Tenancy Tribunal and not this Constitutional Court in exercise of its Writ jurisdiction. Several fact finding inquiries may have to be gone into to decide the issue which is not the job of a Writ Court also.

In view of the above, this writ petition, **WPA 28458 of 2024** stands **dismissed**, without any order as to costs.

In any event, this order shall not create any right or equity in favour of the petitioner and the

jurisdictional tribunal shall proceed in accordance with law with its independent mind.

It is made clear that, the petitioner shall be at liberty to apply before the jurisdictional Land Reforms and Tenancy Tribunal on the selfsame cause of action. If such proceeding is initiated, the jurisdictional tribunal shall decide the same and come to its logical conclusion with reasons after affording an opportunity of hearing to the parties thereto preferably within a period of ***eight months*** from the date of filing of the proceeding, if any, by the petitioner. No unnecessary adjournment shall be granted by the jurisdictional tribunal.

(Aniruddha Roy, J.)