

09.12.2024

Item No. 02

Crt.No.02

b.r.

WPA 28967 of 2024

Sri Ananda Kamal Bramachary & Anr.

-vs-

The State of West Bengal & Ors.

Mr. Rudraman Bhattacharyya

Mr. Suryanal Das

Mr. Chiranjit Pal

Mr. Deeptangshu Kar

.... For the petitioners.

Mr. Ayan Banerjee

Mr. Amrita Lal Chatterjee

... for the State.

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

Mr. Rudraman Bhattacharyya, learned Senior counsel appears for the petitioners.

Mr. Ayan Banerjee, learned State counsel appears for respondent nos. 2 and 3.

Private respondent no.4 is not represented.

Through this writ petition, the petitioners have assailed a communication/notice issued under **Section 57 of the West Bengal Land Reforms Act, 1955, annexure p-3 at page-50** to the writ petition.

In view of the bar imposed under **Sub- Section (r) to Section 2 read with Section 8** of the **West Bengal**

Land Reforms and Tenancy Tribunal Act, 1997, the jurisdictional **Land Reforms and Tenancy Tribunal** is the appropriate authority to adjudicate the issue and not this writ Court.

In view of the above, the petitioners shall be at liberty to file necessary application before the jurisdictional **Land Reforms and Tenancy Tribunal** within a period of **two weeks** from date.

In the event, such an application is filed, the Tribunal shall register the same on the same day and upon hearing the parties thereto shall dispose of the same as expeditiously as possible by passing a reasoned order in accordance with law.

The petitioners shall be at liberty to take out an interlocutory application seeking stay of operation of the said notice dated **November 26, 2024** simultaneously with the filing of the said application before the Tribunal.

In the event, such interlocutory application is taken out, the same shall be taken up and finally disposed of within a period **seven days** positively from the date of filing of the interlocutory application.

Till the interlocutory application is disposed of within such period as directed herein, no effect shall be given to the said impugned notice dated **November 26, 2024**.

It is made clear that this Court has not gone into merits of the claim of the petitioners and the petitioners shall be at liberty to urge whatever points they wish to urge by relying upon whatever land records they wish to rely upon before the Tribunal.

It is made clear that while deciding the main application or the interlocutory application, the Tribunal shall not be influenced by observation made by this Court, if any and shall proceed independently in accordance with law.

This order shall not create any right or equity in favour of the petitioners, if the petitioners do not succeed to their claims strictly in accordance with 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 and directions, this writ petition, **WPA 28967 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.)