

01.08.2024
Item No. 13
Crt.No.02
b.r.

WPA 29098 of 2022

Swapan Kumar Dutta & Ors.
-vs-
The State of West Bengal & Ors.

Mr. Shibasis Chatterjee
..... for the petitioners.

Mr. Dilip Kumar Ganguly, Ld. AGP
Mr. Subrata Dasgupta
Mr. Benazir Ahmed
.... For the State.

Mr. Dilip Kumar Saha
Ms. Dhriti Das
.... For the private resp. nos. 5 to7,
9 and 11.

Mr. Shibasis Chatterjee, learned advocate,
appears for the petitioners.

Mr. Subrata Das Gupta, learned State counsel
appears for the respondent nos. 1 to 4.

Ms. Dhriti Das, learned advocate led by Mr. Dilip
Kumar Saha, learned advocate appears for private
respondent nos. 5 to 7, 9 and 11.

The petitioners through this writ petition has
assailed the impugned order dated **August 10, 2022 at**
page-39 to the writ petition passed by the prescribed
authority under **Section 50 of the West Bengal Land**
Reforms Act, 1955.

Learned counsel for the petitioners submit that by
virtue of a partition decree passed by the jurisdictional
Civil Court, the petitioners as the co-sharers have been

declared to be the owners of portions of a land. The claim of the petitioners for mutation was denied by the impugned order. The petitioners have received threats from the strangers for dispossession from their land.

Ms. Das, learned advocate appearing for the private respondents has raised the point of maintainability of the writ petition since under **Section 54 of the West Bengal Land Reforms Act, 1955** there is a specific appellate authority and the impugned order is appealable thereunder.

Learned State advocate has also adopted the submissions made on behalf of the private respondents.

After considering the submissions made on behalf of the parties and upon perusal of the materials on record, it appears to this Court that the impugned order passed by the prescribed authority under **Section 50 of the said 1955 Act** is appealable under **Section 54 of the Act**.

The statutory appeal provided under the statute is the alternative, efficacious and speedy remedy available to the petitioners.

In addition, this Court is also of the view that to go for a scrutiny of the impugned order, several factual matrix may have to be required to be gone into. This is not the job of the writ Court also.

In view of the foregoing discussions and reasons, since the alternative appellate remedy is available under the statute, this writ petition, **WPA 29098 of 2022** stands **dismissed**, without any order as to costs.

It is made clear that this Court has not gone into the merits of the writ petition.

In the event, the appeal is filed before the appellate authority, the petitioners shall be at liberty to urge whatever points they wish to urge by relying upon whatever records they wish to rely upon before the appellate authority.

While deciding the appeal, the appellate authority shall proceed independently in accordance with law and without being influenced by observation, if any, made by this Court. The appellate authority shall dispose of the appeal in accordance with law as expeditiously as possible.

(Aniruddha Roy, J.)