

10.12.2024

Item No. 08

Crt.No.02

b.r.

WPA 29417 of 2024

Dhirendra Nath Bagchi

-vs-

The State of West Bengal & Ors.

Mr. Biswaroop Bhattacharya

Mr. Sumitava Chakraborty

Ms. Bratati Pramanick

Ms. Nilanjana Ghorai

.... For the petitioner.

Mr. Chandi Charan De, Ld. AGP

Mr. Anirban Sarkar

... for the State-Resp. nos. 1 to 5.

Mr. Rahul Karmakar

Mr. Arjun Samanta

.... For the Resp. no.6.

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

Mr. Biswaroop Bhattacharya, learned counsel appears for the writ petitioner.

Mr. Chandi Charan De, learned Additional Government Pleader appears for the State-respondent nos. 1 to 5.

Mr. Rahul Karmakar, learned counsel appears for the respondent no.6.

The principal prayers from the writ petition are quoted below:-

“(b) Writ of or in the nature of mandamus do issue directing the

respondents more particularly the respondent nos. 4 and 5 to show cause as to why the mutation case being No. MN/2024/1309/17496 dated 02.09.2024 should not be set aside;

(c) Writ in the nature of Prohibition prohibiting the respondent no.4 for conducting and/or proceeding with the hearing scheduled to be held on 10.12.2024 in respect of Mutation Case No. MN/2024/1309/17496 dated 02.09.2024;

(d) Writ of or in the nature of Certiorari directing the respondent authorities more particularly the No.4 to forthwith transmit the records of the instant case in relation to Mutation Case No.MN/2024/1309/17496 dated 02.09.2024 and call other documents related thereto so that upon perusing the same this Hon'ble Court may render conscionable justice by quashing the said proceeding."

Upon hearing the parties and on perusal of the avernments made and the reliefs claimed in the writ petition, it appears that either to reject or to allow Mutation is governed under the provisions of the **West Bengal Land Reforms Act, 1955**. Therefore, an authority either to reject or to allow the prayer for mutation will have to exercise its power under the said **1955 Act**.

Sub-Section (r) to Section 2 read with Section 8 of the **West Bengal Land Reforms and Tenancy Tribunal Act, 1997**, this Court is of the firm view that there is a clear bar imposed under the statute to entertain this writ petition. The jurisdictional prescribed authority is the appropriate authority under the statute to adjudicate upon the issues raised in this writ petition.

In view of the above, this writ petition, **WPA 29417 of 2024** stands **dismissed**, without any order as to costs.

However, it is made clear that this Court has not gone into 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 authority under the statute.

In the event, any application is filed by the petitioner, the same shall be considered and disposed of by the jurisdictional prescribed authority after granting an opportunity of hearing to the interested parties thereto and by passing a reasoned order in accordance with law but positively within a period of **three months** from the date of filing of such application.

It is made clear that the prescribed authority or the jurisdictional adjudicating authority shall not be influenced by the observation made by this Court, if any.

Photostat certified copy of this order, if applied for, be furnished expeditiously.

(Aniruddha Roy, J.)