

03.01.2024
Item No.22
gd/ssd

WPA/2963/2023

AJIT KUMAR AGARWALA
VS
STATE OF WEST BENGAL & ORS.

Ms. Supriya Singh
..for the petitioner.

The writ petitioner has prayed for a direction upon the District Land and Land Reforms Officer, Darjeeling being the 3rd respondent to dispose of the appeal case being No.17 of 2022 within a specified time frame.

Challenging an order dated August 22, 2022 passed by the Block Land and Land Reforms Officer, Naxalbari Block under Section 50 of the West Bengal Land Reforms Act, 1955 petitioner preferred an appeal before the appellate authority under Section 54(3) of the said Act.

The grievance of the petitioner is that the appellate authority is sitting tight over the matter and have not yet disposed of the said appeal.

West Bengal Land Reforms Act is a specified Act under Section 2(r)(ii) of the West Bengal Land Reforms and Tenancy Tribunal Act, 1997.

Section 6 of the 1997 Act provides that the tribunal shall have the jurisdiction, power and

authority in relation to an application complaining inaction or culpable negligence of an authority under a specified Act.

Section 8 of the 1997 Act provides that on and from the date from which jurisdiction, power and authority become exercisable under the 1997 Act by the Tribunal, the High Court, except where that court exercises writ jurisdiction under Article 226 and 227 of the Constitution by a Division Bench or any Civil Court except the Supreme Court shall not entertain any proceeding or application or exercise any jurisdiction, power or authority in relation to adjudication or trial of disputes or applications relating to land reforms or any matter connected therewith or incidental thereto or any other matter under any provision of a specified Act.

In view of the specific embargo laid down under Section 8 of the 1997 Act and also that the petitioner has complained of an inaction of an authority under the West Bengal Land Reforms Act, 1955, which is a specified Act under Section 2(r)(ii) of the 1997 Act, this Court is not inclined to entertain this writ petition.

In view thereof, the writ petition is dismissed as not maintainable.

However, the petitioner will be at liberty to approach the appropriate forum in accordance with law.

It is also made clear that the respondent authorities shall not feel encouraged by this order to keep the appeal pending.

(HIRANMAY BHATTACHARYYA, J.)