

M/L 40
04.11.2025
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Ct.3.

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 108 of 2024

Dilwar Thander & Anr.
Versus
The State of West Bengal & Ors.

Mr. Prosenjit Mukherjee
Mr. Tapas Kumar Dinda
Mr. Abhijit Chandra Majumder

... For the petitioners.

Mr. Alok Kumar Ghosh
Mr. Asit Kumar Biswas
... For KMC

1. The petitioners would contend that the character of the land comprising 26 cottahs appertaining to R.S. and L.R. Dag Nos. 76, 78, 80, 81, 82 and 173 and RS Khatian No. 26, 27, 28 and LR Khaitan No. 948, 952, 965 in Mouza Garden Reach P.S. Raja Bagan under Kolkata Municipal Corporation Ward No. 138 District South 24-Parganas has been partly altered to a pond. In support of his contention he has placed reliance on the LR record of rights. According to the learned advocate for the petitioner the character of the land has been altered without complying with the provisions of Section 4(c) with the West Bengal Land Reforms Act, 1955, and also without the permission of the appropriate authority under the Municipal Corporation Act, 1980. Accordingly, he would submit that appropriate order may be issued for restoration of the land to its original character and classification. A civil

dispute is also pending wherein an interim order of injunction has been passed.

2. From the complaints including the one dated 31st December, 2023 it transpires that the petitioner is aggrieved by removal of soil from the above property.

3. Having heard the learned advocate for the petitioners and noting the objection raised by Mr. Ghosh, learned advocate representing Kolkata Municipal Corporation as regards the jurisdiction of this Court to entertain the writ petition and noting that the matter pertains to inaction and non-action of authorities and infraction of provisions under the West Bengal Land Reforms Act, 1955 which is a specified Act under Section 2 (r) of the West Bengal Land Reforms and Tenancy Tribunal Act, 1997, I am of the view that there is no scope to entertain the writ petition at the first instance without the petitioner first approaching the West Bengal Land Reforms and Tenancy Tribunal or authority under the specified Act as the case may be. Accordingly, let this matter be dismissed.

3. Dismissal of the aforesaid writ petition shall not stand in the way of the petitioner for enforcing its rights in accordance with law.

(Raja Basu Chowdhury, J.)