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TUESDAY

Court : 08
Item : DL-02
Matter : WPLRT
Status : DISMISSED
Bench ID : 266211
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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPLRT 17 OF 2025

MOOR SALIM MOLLAH
VS.

THE STATE OF WEST BENGAL & ORS.

MR. SYED SHAMSUL AREFIN, ADVOCATE

.....for the Writ-Petitioner

MR. LAXMINATH BHATTACHARYA, ADVOCATE

.....for the Respondent Nos. 6 & 7

MR. DIPANKAR SAHA, ADVOCATE

.....for the Respondent Nos. 8 & 10

MR. MD. GHALIB, ADVOCATE

MR. SUDDHADEV ADAK, ADVOCATE

.....for the State

1. It is a classical example of jumping the forum by the litigant. The appellant who raised the plea of demur, not only on the maintainability of the statutory appeal but the *locus standi* of the respondents is yet to be decided by the statutory appellate authority.
2. In spite of a date having fixed for hearing of the matter, which obviously taken into account the point of maintainability and *locus standi* of the appellant therein being the respondent in the instant writ-petition, the order was challenged before the Tribunal inviting its attention that the maintainability of the proceeding as well as the *locus standi* of the respondents herein should be heard by the Tribunal. Since the Tribunal directed the parties to exchange affidavits, the instant writ-petition is filed before us.
3. Mr. S.S. Arefin, learned Advocate appearing for the writ-petitioners vociferously submits that the High Court should hear out the points of maintainability and *locus standi* in the writ-petition in terms of the order passed by the Division Bench taking up the Public Interest Litigation.

4. A litigant should not be permitted to jump the forum nor should be encouraged in forum shopping. The Division Bench while dealing with the Public Interest Litigation directed the parties to approach the appellate authority under the West Bengal Land Reforms Act as the dispute pertains to mutation or correction of the record of rights and liberty was also granted to the present writ-petitioner to raise the plea of maintainability and the *locus standi*.
5. Obviously, the *locus standi* relates to whether a person can be recorded as the Raiyat or in any other capacity in the record of rights which has to be decided on the basis of the evidence adduced in this regard. Probably for such reason, the appellate authority directed the parties to exchange affidavits and fix a short date for hearing of the matter which obviously includes the plea of maintainability and *locus standi*, if raised by the writ-petitioner before it.
6. The multiplicity of the proceeding as appeared in the instant case, have activated the process of delay in rendering justice. The writ-petitioner raising such issue is approaching different forums with intent to forestall the proceeding pending before the appellate authority.
7. We thus do not find any justification in granting the reliefs claimed in the instant writ-petition.
8. **WPLRT 17 of 2025** is thus **dismissed**.

(HARISH TANDON, J.)

(PARTHA SARATHI SEN, J)

