

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

13.03.2025
Ct. no.2
Sl. 22
Moumita

WPA 4764 of 2025

Md. Irsad & Ors.

Vs.

The State of West Bengal & Ors.

**Mr. Debasis Kar
Mr. Husen Mustafi
Mr. Arka Tilak Bhadra**

.... For the Petitioners

**Mr. Chandi Charan De,
Ld. Addl. Govt. Pleader
Mrs. Reshma Chatterjee**

.... For the State-respondent

Mr. Dipayan Kundu

....For the Respondent no. 3

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

Mr. Debasis Kar, learned advocate appears for the petitioners.

Mrs. Reshma Chatterjee, learned Advocate led by Mr. Chandi Charan De, learned Additional Government Pleader appears for the State-respondent.

Mr. Dipayan Kundu, learned Advocate appears for the State-respondent no. 3.

The prayers from the writ petition are quoted below:

*a) 'A writ of and/or in the nature of
Mandamus directing and
commanding the respondents and*

each of them to take suitable and immediate action for removing the name of the private respondent from the Record of Rights in BL & LRO and rectify the same.

b) A writ in the nature of certiorari commanding and also calling upon the respondents and each of them to produce all relevant records relating to this case before this Hon'ble Court and upon causes being shown or if no cause shown conscionable justice may be done.

c) Rule NISI in terms of prayers (a) to (c) as above.

d) Incidental costs.

e) And to pass such other order or orders as the Hon'ble Court may deem fit and proper.'

In the light of the above prayers Mr. Dipayan Kundu, learned Advocate appearing for respondent no. 3 at the threshold raises the point of maintainability of the writ petition.

Mr. Chandi Charan De, learned Additional Government Pleader appearing for the State also supports such objections.

After considering the prayers made in the writ petition it appears to this Court that there is a clear bar under ***Sub-Section r to Section 2 of the West Bengal Land Reforms and Tenancy Tribunal Act 1997.***

In view of the above, this writ petition ***WPA 4764 of 2025*** stands ***dismissed*** without any order as to costs.

However, this order of dismissal shall not preclude the petitioners to apply before the jurisdictional ***Land Reforms and Tenancy Tribunal***

within a period of **four weeks** from date to seek its appropriate remedy in accordance with law.

In the event, such an application is filed before the jurisdictional **Land Reforms and Tenancy Tribunal**, the same shall dispose it of within a period of **six months** from the date of registration of the application after providing opportunity of hearing to the parties thereto and by passing a reasoned order in accordance with law.

It is made clear, that this court has not gone into the merits of the claim of the petitioners and the petitioners shall be entitled to urge whatever points they wish to urge before the tribunal.

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

(Aniruddha Roy, J.)