

17.03.2025
Ct. no.2
Sl. 13
Moumita

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

WPA 5164 of 2025

Kajal Kumar Mandal & Anr.

Vs.

The State of West Bengal & Ors.

Mr. Argha Banerjee

.... For the Petitioner

Mr. Dipendu Sarkar

Mr. Ankan Mondal

Ms. Deblina De

... For the State-Respondents no. 6

Mr. Chandi Charan De, Ld. Addl. Govt. Pleader

....for the Respondent nos. 1 to 3

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

Mr. Argha Banerjee, learned advocate appears for the petitioners.

Mr. Chandi Charan De, learned Additional Government Pleader appears for the Respondent nos. 1 to 3.

Ms. Deblina De, learned State Advocate led by Mr. Dipendu Sarkar, learned Advocate appears for the respondent no. 6.

The grievance of the petitioner is that there was no application filed by the petitioner as the owner of the concerned piece of land but the nature and character of the piece of land has been changed from VITY to pond.

The learned Counsel appearing for the petitioner submits that without any opportunity of hearing and without serving any prior notice this conversion was done, which is in basic violation of natural justice.

Therefore, he presses this writ petition.

Learned Additional Government Pleader referring to **annexure p-7 at page 45** to the writ petition, submits that necessary notice was issued on **September 4, 2024** upon the land owners.

In reply, learned counsel for the petitioner has denied and disputed the submissions and submits that this was not the notice issued prior to conversion of land.

After considering the rival contentions of the parties upon perusal the materials on record, it appears to this court that, to come to a conclusion to the challenge thrown by the petitioner, a detail fact finding enquiry is required on the basis of the available land records, which is not the job of the writ court.

In as much as, the jurisdictional Land Reforms and Tenancy Tribunal is the appropriate statutory forum under the statute to decide this issue. Such tribunal is the available alternative, efficacious and speedy forum under the statute.

In view of the above, the petitioner shall be at liberty to apply before the jurisdictional Land Reforms and Tenancy Tribunal on the self-same cause of action positively within a period of **four weeks** from date.

In the event such an application is filed by the petitioner, the jurisdictional tribunal shall dispose of the same as expeditiously as possible, after granting an opportunity of hearing to the parties to the said application 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 petitioner and the petitioners shall be at liberty to urge and take all points before the tribunal.

The tribunal while deciding the issue shall proceed independently in accordance with law and without being influenced by observations, if any, made by this Court.

Since affidavits are not called for, the allegations made in this writ petition are deemed not to have been admitted by the respondents.

With the above observations and directions, this writ petition, **WPA 5164 of 2025** stands ***disposed of***, without any order as to costs.

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

(Aniruddha Roy, J.)