

15.05.2025
Item No.27
Court No.19.
S. De

W.P.A. 8294 of 2025

**Das Acqua Culture & Ors.
Vs
The State of West Bengal & Ors.**

Mr. Bhagbat Chaudhuri, Sr. Adv.,
Mr. Gopa Mainan, ...for the petitioners.

Mr. Supratim Dhar, Sr. Adv.,
Ms. Tuli Sinha, ...for the State.

Mr. Sudip Das, ...for the respondent no.9.

1. Affidavit-of-service filed in Court today, be kept with the records.
2. The writ petitioners, the respondent nos. 1 to 8 that is the respondent/State and its functionaries and the respondent no.9 are represented by their respective counsels.
3. At the time of hearing, learned advocate for the writ petitioners, at the very outset, draws attention of this Court to page no.92 to 109 of the instant writ petition being a copy of the representation dated 07.01.2025, as submitted by the writ petitioner with the different authorities of the State, requesting them to collect the Government taxes/rent/lease rent in respect of the land which, according to the writ petitioners, was granted in favour of the writ petitioners and by way of long term lease.

4. It is submitted that an appropriate direction will be passed upon the respondent authorities for considering of the said representation dated 07.01.2025.
5. Per contra, Mr. Dhar, learned senior advocate duly assisted by Ms. Sinha, at the very outset, draws attention of this Court to the various provisions of the West Bengal Land Reforms and Tenancy Tribunal Act, 1997, hereinafter referred to as the said Act of 1997.
6. It is submitted by Mr. Dhar that from the averments made in the instant writ petition, it would reveal that the alleged long term lease was granted as per the provisions of the West Bengal Land Reforms Act, 1955 which is a 'specified Act' under Section 2(r) of the said Act of 1997. It is further submitted by Mr. Dhar that under Section 6 of the said Act of 1997, any application complaining inaction on the part of the authorities under the said Act of 1955 comes within the jurisdiction of the Tribunal as has been constituted under Section 4 of the said Act of 1997.
7. Learned advocate for the respondent no.9 practically supports the submission of Mr. Dhar, learned senior advocate appearing for the State.

8. On careful consideration of the entire materials as placed before this Court and after hearing the learned advocates for the contending parties, it appears to the Court that it is the grievance of the writ petitioners that the respondent authorities are not accepting the lease rent in respect of the land which, according to the writ petitioners, was leased out to him. Admittedly, the alleged lease was executed in terms of the said Act of the 1955 which is a 'specified Act' as per the provisions of 2(r) of the said Act of 1997.
9. Since by filing the instant writ petition, the writ petitioners allege inaction on the part of the respondent authorities under the said 'specified Act', this Court finds sufficient merit in the submission of Mr. Dhar inasmuch as such the said alleged inaction comes within the jurisdiction of the said Tribunal as has been constituted under Section 4 of the said Act of 1997.
10. In view of the discussion made hereinabove, this Court finds no merit in the instant writ petition.
11. The instant writ petition is, thus, dismissed.
12. There shall be no order as to costs.

13. Before parting with, it is however made clear that this order will not preclude the writ petitioners to approach the Tribunal as constituted under Section 6 of the said Act of 1997 for the self-same relief arising out of self same cause of action, if so advised.
14. Urgent Photostat certified copy of this order, if applied for, be supplied expeditiously after compliance with all the necessary formalities.

(Partha Sarathi Sen, J.)