

S/L 5
08.05.2025
Court. No. 19
Sourav

WPA 13910 of 2023

**Kartick Chandra Mondal
Vs.
The State of West Bengal & Ors.**

Mr. Syed Arif Ahmed

...for the petitioner.

Mr. Supratim Dhar, Sr. Adv.

Ms. Subhra Nag

...for the respondent/State.

1. By filing the instant writ petition, the writ petitioner has prayed for issuance of appropriate writ/writs against the respondent no. 2 commanding him to consider the writ petitioner's representations dated 02.11.2021 and 17.05.2023 in accordance with law.
2. At the time of hearing, learned advocate for the writ petitioner at the very outset draws attention of this Court to Page No. 11 of the instant writ petition being a copy of the application dated 02.11.2021 whereby and whereunder the writ petitioner has requested the respondent no. 2/authority to make necessary conversion in the record of right in respect of a pond situated at Plot No. 174 in Mouza – Kalikapur under P.S. Joynagar, District – South 24 Parganas.
3. At this stage, learned advocate for the writ petitioner draws attention of this Court to Section 4(c) of the West Bengal Land Reforms Act, 1955 (hereinafter referred to as the said Act of 1955). It is submitted on behalf of the writ petitioner that since the writ petitioner has made an innocuous prayer with the respondent no.

2/authority, the respondent no. 2/authority is not supposed to sit idle over the matter. It is thus submitted that in view of such, an appropriate writ may be issued against the respondent no. 2 in terms of the prayers made in the instant writ petition.

4. Ms. Nag, learned advocate appearing on behalf of the respondent/State opposes the prayer of the writ petitioner.
5. On careful consideration of the entire materials as placed before this Court and after hearing the learned advocate for the writ petitioner at length, this Court considers that for effective adjudication of the instant *lis* some provisions of the West Bengal Land Reforms and Tenancy Tribunal Act, 1997 (hereinafter referred to as 'the said Act of 1997' in short) are required to be looked into.
6. On perusal of Section 2(r) of the said Act of 1997, it appears to this Court that the said Act of 1955 comes under the purview of Specified Act under the said Section.
7. It further appears from Section 6 of the said Act of 1997 that an application complaining inaction or culpable negligence of an authority under a Specified Act comes under the jurisdiction, power and authority of the Tribunal as has been established under Section 4 of the said Act of 1997.
8. In view of such legislative provision, this Court considers that the alleged inaction on the part of the

respondent no. 2 comes under the jurisdiction of the Tribunal as has been constituted under Section 4 of the said Act of 1997.

9. In view of the discussions made hereinabove, this Court thus finds that the writ petitioner has chosen a wrong forum for ventilating his grievance.
10. In view of such, this Court holds that the instant writ petition is not maintainable before this Court.
11. Accordingly, the instant writ petition being **WPA 13910 of 2023** is dismissed.
12. There shall, however, be no order as to costs.
13. Before parting with, it is, however, made clear that while disposing the instant writ petition, this Court has not gone into the merit of the instant writ petition. It is further made clear that in the event, the writ petitioner approaches the said Tribunal under the provision of the said Act of 1997, the instant judgment shall not operate as a *res judicata*.
14. Urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance with all the necessary formalities.

(Partha Sarathi Sen, J.)