

Item No.11
16.05.2025
Court. No. 19
GB

W.P.A. 16777 of 2024

Sahajalal Molla & Ors.
Vs.
The State of West Bengal & Ors.

Mr. Dibyendu Chatterjee,
Mr. Pritam Majumder,
Mr. Rahul Deb Goenka,
Mr. M. Singha Barma,
Ms. Satabdi Das

...for the Petitioners.

Mr. Soumitra Bandyopadhyay,
Mr. Priyabrata Batabyal.

...for the State.

1. The affidavit-of-service as filed today is taken on record.
2. The writ petitioners and the respondent State are represented by their respective learned advocates.
3. By filing the instant writ petition, the writ petitioners have prayed for issuance of appropriate writ/writs against the respondent authorities for consideration of their representation, particular of which has been mentioned in the prayer portion of the instant writ petition.
4. At the time of hearing, learned advocate for the writ petitioners draws attention of this Court to the various annexures to the instant writ petition, wherefrom it reveals that in the earlier round of litigation a coordinate Bench on the basis of a report submitted by the jurisdictional Block Land and Land Reforms Officer came to a finding that the writ petitioners were in possession of 2.49 acre of land in Mouza – Kalidanga in respect of various plots, particulars of

which have been mentioned in paragraph no.8 of the instant writ petition.

5. At this juncture, it is submitted on behalf of the writ petitioners that noticing some defects in the entries of the relevant ROR, the writ petitioners approached the appropriate authorities under the West Bengal Land Reforms Act, 1955 (hereinafter referred to as the 'said Act of 1955' in short) and on account of their inaction the writ petitioners were compelled to approach the tribunal as has been established under Section 4 of the West Bengal Land Reform and Tenancy Tribunal Act, 1997 (hereinafter referred to as the 'said Act of 1997' in short).
6. Drawing attention to page nos.29 to 30 of the instant writ petition it is submitted that while disposing the O.A. No.1943 of 2020 (LRTT), the said tribunal by its order dated 21.01.2021 directed the jurisdictional Block Land and Land Reforms Officer to consider and dispose of the representation of the writ petitioners after disposal of the civil suit as pending between the parties.
7. It is submitted that despite such direction of the tribunal, the jurisdictional Block Land and Land Reforms Officer, who is the respondent no.2 herein had done nothing.
8. After careful consideration of the entire materials as placed before this Court and after hearing the learned advocates for the contending parties, this Court finds that the instant writ petition is not maintainable

before this court for the reasons stated hereunder;
namely;

a) The said Act of 1955 comes under the purview of
'specified Act' within the meaning of Section 2(r) of
the said Act of 1997.

b) The application complaining inaction or culpable
negligence of an authority under the specified Act falls
within the jurisdiction of the said tribunal under
Section 6 of the said Act of 1997.

9. In view of such, this Court holds that for lack of
jurisdiction this Court cannot grant any relief to the
writ petitioners and accordingly, the instant writ
petition is dismissed.

10. Before parting with, it is, however, made clear that
this Court has not gone into the merit of the instant
writ petition. It is further made clear that the
dismissal of the instant writ petition would not
operate either as a bar or as a res judicata in the event
the writ petitioners approach the said tribunal with
similar relief on the self-same cause of action, if so
advised.

11. Urgent Photostat certified copy of this order, if
applied for, be given to the parties upon compliance of
all necessary formalities.

(Partha Sarathi Sen, J.)