

30. 07.08.2025
Court No.19.

(Pritam)

WPA 16125 of 2025

Swapan Das & Ors.

-Vs.-

The State of West Bengal & Ors.

Mr. Subhabrata Das,
Mr. Arindam Banerjee.

....for the petitioners.

Mr. Mrinal Kanti Ghosh,
Mr. Debdatta Das.

...for the State.

1. The Affidavit-of-service as filed today on behalf of the writ petitioner is taken on record.
2. By filing the instant writ petition, the writ petitioners have prayed for issuance for appropriate writ/writs against the respondent authorities for implementation of the judgment and order dated August 25, 2023 as passed by a Division Court of this court in WPLRT 280 of 2012 whereby and whereunder the said Division Bench while allowing the said writ petition, set aside the order under challenge of the Tribunal and directed the jurisdictional BL & LRO to re-visit the order of vesting and retention as invited on behalf of the writ petitioner by invoking provisions of Section 14(T)(3A) of the West

Bengal Land Reforms Act, 1955 (hereinafter referred to as the “said Act, 1955” in short).

3. At this juncture, Mr. Das, learned advocate appearing for the writ petitioner draws the attention of this court to page no.45 and 46 of the instant writ petition being a copy of letter addressed to the jurisdictional BL & LRO that is the respondent no.3 herein, which was received on February 5, 2022, requesting him to comply with the order dated August 25, 2023 as mentioned, supra.
4. It is submitted by Mr. Das, that despite receipt of such order dated February 5, 2024, the respondent no.3 authority is practically sitting over the matter and did nothing and, therefore, appropriate relief/reliefs may be granted to the writ petitioners in terms of the prayers made in the instant writ petition.
5. On behalf of the writ petitioner, reliance was placed upon the following three reported decisions, namely;
 - (i) *Badal Kumar Das & Ors. vs. State of West Bengal & Ors.* reported in (2003) SCC OnLine Cal 212,
 - (ii) *Birbal Oraon vs. Murarilal Rajoria* reported in 2025(1) CHN (CAL) 271 &
 - (iii) *Union of India and Anr. vs. S.V. & Ors.* reported in (2004) 2 SCC 150.
6. *Per contra*, Mr. Ghosh, learned advocate appearing for the State/respondent submits that the instant writ petition is not maintainable in view of the provisions of

West Bengal Land Reforms and Tenancy Tribunal Act, 1997 (hereinafter referred to as the “said Act of 1997” in short).

7. On careful consideration of the entire materials as placed before this court and after hearing the learned advocates of the contending parties, this court at the very outset proposes to look to some of the provisions of the said Act of 1997.
8. It appears to this court that Section 2(r) of the said Act of 1997 defines ‘specified Act’, which includes the said Act, 1955.
9. It further reveals that Section 47 of the said Act of 1997 mandates for establishment of Tribunal and powers and functions thereof.
10. It further reveals to this court that Section 6 of the said Act, 1997 deals with the jurisdiction and authority of the Tribunal.
11. It thus appears to this court that it is the legislative mandate that an application complaining inaction or culpable negligence of an authority under ‘specified Act’ comes within the domain of the said Tribunal as established under Section 4 of the said Act of 1997.
12. At this juncture, if I look to the relief/reliefs as sought for in this case, it reveals to this court that the said Act of 1955 is a specified Act and the respondent

no.3 authority is an authority under the said specified Act.

13. On perusal of the representation dated February 5, 2024, it reveals that under cover of such letter, the respondent no.3 authority was requested by the writ petitioner to comply with the order dated August 25, 2023 as passed by a Division Bench of this court in WPLRT 280 of 2012.

14. It appears to this court that by filing the instant writ petition, the writ petitioner really complains regarding inaction of the respondent no.3 authority which is admittedly an authority under a specified Act under Section 2(r) of the said Act, 1997.

15. In view of such, this court has got no hesitation to hold that this court sitting on writ jurisdiction cannot entertain the instant writ petition for lack of jurisdiction.

16. In further considered view of this court, the reported decision as cited from the Bar are distinguishable from the facts and circumstances of the present case inasmuch as the statutory provisions of the said Act of 1997 was/were not subject-matter(s) in these three reported decisions.

17. With the aforementioned observations, WPA 16125 of 2025 is hereby dismissed.

18. Before parting with, it is, however, made clear that dismissal of the instant writ petition will not bar the

writ petitioner to approach the appropriate forum for ventilating his grievance on the same cause of action, if so advised if the same is filed within 45 working days from today.

(Partha Sarathi Sen, J.)