

Form No. J(2)

In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

Present: The Hon'ble Justice Sabyasachi Bhattacharyya
And
The Hon'ble Justice Uday Kumar

W.P.L.R.T. 174 of 2025

**Eman Mistry and others
Vs.
The State of West Bengal and others**

For the petitioners	:	Mr. Shyama Prasad Purkait Mr. Dinesh Chandra Mondal
For the State	:	Mr. Sk. Md. Galib Ms. Priyamvada Singh
Heard on	:	29.10.2025
Judgment on	:	29.10.2025

Sabyasachi Bhattacharyya, J.:-

1. Affidavit-of-service filed in court today be kept on record.
2. The present challenge has been preferred against an order of the Tribunal whereby the West Bengal Land Reforms and Tenancy Tribunal, First Bench, turned down a challenge to an order

passed by the BL&LRO on the ground that an alternative remedy of appeal was available.

3. Learned counsel for the petitioners pleads hardship and cites *Harbanslal Sahnia and another vs. Indian Oil Corporation Limited and others* reported at (2003) 2 SCC 107 for the proposition that availability of an alternative remedy is not an absolute bar to the writ court entertaining an application under Article 226 of the Constitution.
4. Upon hearing learned counsel for the parties, we find the arguments of the petitioners are not tenable in law.
5. What has been laid down by the Hon'ble Supreme Court in the cited judgment is that the remedy by way of recourse to an arbitration clause cannot be an absolute bar to the writ court entertaining an application under Article 226 of the Constitution.
6. It was held by the Supreme Court, "... suffice it to observe that the rule of exclusion of writ jurisdiction by availability of an alternative remedy is a rule of discretion and not one of compulsion".
7. Even the Hon'ble Supreme Court laid down certain exceptions when the High Court may still exercise its writ jurisdiction,

being where the writ petition seeks enforcement of any fundamental right, where there is a failure of principles of natural justice or where the orders or proceedings are wholly without jurisdiction or the *vires* of an act is challenged.

8. We do not find any of the said circumstances in the present case, since the learned Tribunal acted absolutely within its jurisdiction in observing that the Tribunal is not inclined to interfere in the matter since a provision for appeal is available under the West Bengal Land and Land Reforms Act against the order of the BL&LRO.
9. In fact, it is well-settled that the High Court or the Tribunals invoke self-imposed restriction where an alternative remedy is available, to ensure that the statutory hierarchy of appeals is adhered to under normal circumstances and the jurisdiction of appellate forums in the intermediate tiers are not bypassed.
10. Hence, we do not find any illegality or jurisdictional error in the impugned order of the Tribunal.
11. Accordingly, WPLRT 174 of 2025 is dismissed, thereby affirming the order dated July 2, 2025 passed by the West Bengal Land Reforms and Tenancy Tribunal, First Bench in M.A. 14 of 2015 (O.A. No. 58 of 2015) of LRTT.

- 12.** It is made clear that it will be open to the petitioners to challenge the originally impugned order of the BL&LRO before the appropriate appellate authority in accordance with law.
- 13.** There will be no order as to costs.
- 14.** Urgent photostat copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Sabyasachi Bhattacharyya, J.)

I agree.

(Uday Kumar, J.)

AD-07
AK