

S/L 21
16.09.2025
Court. No. 19
Suwayan

WPA 23413 of 2023

**Smt. Subhadra Giri
Vs.
The State of West Bengal & Ors.**

Mr. Ratan Das

...for the petitioner.

*Mr. Chandi Charan De, AGP
Mr. Anirban Sarkar*

...for the State.

1. The affidavit-of-service as filed today on behalf of the writ petitioner is taken on record.
2. The subject matter of the instant writ petition is the plot nos. 3460, 3489, 3423/5282, 3423/5283 in Mouza – Gobindapore Abad, JL no. 82 under P.S. Pathar Pratima.
3. It is argued on behalf of the writ petitioner that the said land was recorded in the name of the writ petitioner as raiyat and a copy of the relevant LR record is annexed at page nos. 14 and 15 and further the classification of the said land was 'sikastibhumi'. Drawing attention to page nos. 16 and 17 of the instant writ petition it is argued that by a representation dated 20.03.2023 the writ petitioner requested for payment of the compensation with the jurisdictional BL&LRO who is the respondent no. 8 herein.
4. In course of his submission Mr. De, learned AGP submits before this Court that from page no. 24 of the instant writ petition it would reveal that by a memo dated 18.04.2023 the respondent no. 3 directed the

respondent no. 8/authority to take appropriate steps to correct the Record of Right in favour of the State under the provisions of West Bengal Land Reforms Act, 1955 and only thereafter the question of payment of compensation would be decided.

5. It thus appears to this Court that it is the grievance of the writ petitioner that the respondent no. 8/authority is duty bound to correct the Record of Right in order to enable the respondent no. 3/authority to assess the compensation.
6. In considered view of this Court, the instant writ petition is not at all maintainable before this Court in view of the fact that the respondent no. 8 who is responsible for correction of Record of Right under the West Bengal Land Reforms Act, 1955 is an authority within the meaning of West Bengal Land Reforms and Tenancy Tribunal Act, 1997 (hereinafter referred to as the 'said Act of 1997' in short) and the West Bengal Land Reforms Act, 1955 is a specified Act within the meaning of Section 2r of the said Act of 1997.
7. This Court must not be unmindful that Section 6 of the said Act of 1997 envisages 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 established under Section 4 of the said Act of 1997.
8. In view of the aforementioned position of law, this Court holds that WPA 23413 of 2023 is not maintainable and is thus dismissed.

9. However, there shall be no order as to costs.
10. Since the writ petitioner is pursuing her remedy in a wrong forum, this Court directs that in the event the writ petitioner files similar such application before the West Bengal Land Reforms and Tenancy Tribunal on the self-same cause of action within 30 working days from today the said Tribunal shall not consider the said application as barred under the law of limitation.
11. Urgent Xerox certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Partha Sarathi Sen, J.)