

S/L 7
20.05.2025
Court. No. 19
Suwayan

WPA 26557 of 2024

**Uttam Ghosh & Ors.
Vs.
The State of West Bengal & Ors.**

*Mr. Sabyasachi Chatterjee
Mr. Sayan Banerjee
Mr. Badrul Karim
Mr. Kiran Sk
Ms. Manalisha Sinha*

...for the petitioners.

*Mr. Sk Md Galib
Mr. Kapil Guha*

...for the State.

1. This Court has heard learned Advocate for the writ petitioners and the learned Advocate for the respondents/State and its functionaries at length.
2. By filing the instant writ petition the writ petitioners have prayed for issuance of appropriate writ/writs against the respondents/authorities for rectification of the land records which according to the writ petitioners belonging to them along with other ancillary reliefs.
3. In course of hearing Mr. Chatterjee, learned Advocate appearing on behalf of the writ petitioners at the very outset draws attention of this Court to page nos. 30 and 31 of the instant writ petition being copies of the information with regard to the relevant plot standing in the name of the writ petitioner no. 1. Drawing attention to page no. 32 *vis-à-vis* page no. 40 of the instant writ petition it is submitted by Mr. Chatterjee that on conjoint perusal of the said two papers, it would reveal that the writ petitioners approached the

respondent no. 4/authority requesting him to make necessary rectification of the land records with a further request to take immediate action to stop ongoing construction and/or encroachment activities at the instance of the school committee.

4. It is further submitted by Mr. Chatterjee that the jurisdictional BL&LRO is duty bound to consider the representation of the writ petitioners in accordance with law keeping in mind the salutary principles of right to property as enshrined under Article 300A of the Constitution of India.
5. Such prayer is, however, opposed by Mr. Guha, learned Advocate appearing on behalf respondents/State and its functionaries.
6. On careful perusal of the entire materials as placed before this Court and after hearing the learned Advocates for the contending parties this Court considers that the writ petitioners are not entitled to get any relief in view of the fact that the writ petitioners have approached a wrong forum.
7. On perusal of Section 2(r) of the West Bengal Land Reforms and Tenancy Tribunal Act, 1997 (hereinafter referred to as the 'said Act of 1997') it reveals that the West Bengal Land Reforms Act, 1955 comes under the 'specified Act' and Section 6 of the said Act of 1997 clearly mandates that an application complaining an inaction and/or culpable negligence of an authority under a specified Act comes under the jurisdiction,

power and authority of the tribunal as has been constituted under Section 4 of the said Act of 1997.

8. Since by filing the instant writ petition the writ petitioners have prayed for issuance of appropriate writ against the respondent no. 4 alleging his inaction under the provisions of the West Bengal Land Reforms Act, 1955 which is a 'specified Act' under the said Act of 1997 this Court considers that this Court lacks any jurisdiction to entertain the instant writ petition.
9. In view of such, WPA 26557 of 2024 is dismissed.
10. Before parting with it is, however, made clear that the disposal of the instant writ petition would not debar the present writ petitioners from approaching the tribunal as established under Section 4 of the said Act of 1997 as well as the jurisdictional civil court on the self-same facts as well as on the self-same cause of action, if so advised. It is further made clear that the disposal of the instant writ petition would not operate as a *res judicata* in connection with the subsequent proceeding before the said tribunal and/or before a jurisdictional civil court if initiated by the writ petitioners also on the self-same facts and on the self-same cause of action.
11. There shall be, however, no order as to costs.
12. 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.)