

N.22Sl
151/CL

WPA 25651 of 2023

Sirin Parvin

-vs-

17.09.2025
SL-17
Ct.19
(S.R.)

The State of West Bengal & Ors.

Mr. Soumik Ganguly
Mr. Md. Golam Nure Imrohi
Mr. P. Sinha ... for the petitioner.

Mr. Chandi Charan De, Ld. AGP
Mr. Anirban Sarkar ... for the State.

Mr. Partha Pratim Roy
Mr. Anirban Das
... for the private respondent nos.11 to 13.

1. The affidavit of service as filed today on behalf of the writ petitioner is taken on record.
2. The writ petitioner, the respondent/State and its instrumentalities and the private respondents are represented by their respective counsels.
3. By filing the instant writ petitioner, the writ petitioner has prayed for issuance of appropriate writ/writs against the respondents authorities, more specifically, against the respondent nos.3 to 10 commanding them to act in terms of Section 4(C) and 4(D) of the West Bengal Land Reforms Act, 1956 (hereinafter referred to as the 'said Act', in short) with a further prayer for issuance of appropriate writ/writs against the respondent no.10 commanding him to take appropriate steps for stopping illegal construction at the instance of the private respondents.

4. On careful perusal of the entire materials, as placed before this Court and after hearing the learned advocates for the contending parties, it reveals that it is the specific case of the writ petitioner that the writ petitioner is the owner of a portion of the land in Plot Nos.707/1501 and 1502 in Mouza – Palsanda under, P.S. – Nabagram.
5. It is the grievance of the writ petitioner that the contiguous Plot No.707/1502 having area of 10 decimals, is classified as DOBA (water body), which has been illegally filled up by the private respondents. Materials have also been placed before this Court that the writ petitioner made several representations against the alleged act of the private respondents with the respondent authorities. However, the said respondent authorities remained silent over the matter and hence the instant writ petition.
6. For effective adjudication of the instant *lis*, the provisions of Section 4(C) of the said Act of 1955 is required to be looked into: -

“[4C. Permission for change of area, character or use of land. —

(1).....

(2).....

(3).....

(4).....

(4A)

(5) (a) Without prejudice to the foregoing provisions of this section, where any plot of land has been changed

or converted or altered in violation of this section, if the Collector, on his own motion or on receiving information, is of the opinion that it is necessary so to do in public interest, he may make an order directing a raiyat or a lessee for restoration of the original character of the concerned land within a specified time.

(b) On receipt of the order, the raiyat or the lessee shall restore the original character of the plot of land at his own cost within such time, as may be ordered by the Collector.

(c) If the raiyat or lessee fails to comply with the order, the Collector may take action for restoring the original character of such plot of land and realise the cost for restoration from the raiyat or the lessee.

(d) If the raiyat or lessee fails to pay the cost of restoration, the Collector may realise the cost as a public demand in accordance with the provision of the Bengal Public Demands Recovery Act, 1913 (Ben. Act III of 1913)]”.

7. It, thus, reveals to this Court that it is the legislative mandate that, in the event, the Collector either on his own motion or on receiving information is of the opinion that it is necessary to do so in public interest to make an order directing raiyat, who is responsible for unauthorized change and/or conversion and/or alteration of any character of a land to restore to its original character within a specified time. It is the grievance of the writ petitioner that despite submission of repeated representations with the respondent authorities, even with the jurisdictional Collector, who is the respondent no.2/authority, the

respondent no.2/authority did nothing. At this juncture, I propose to look to some of the provisions of the West Bengal Land Reforms and Tenancy Tribunal Act, 1997 (hereinafter referred to as the 'said Act of 1997', in short).

8. Section 2(r) deals with the definition of 'Specified Act' and the said Act of 1955 comes under the purview of 'Specified Act'.
9. Section 4 of the said Act of 1997 postulates establishment of Tribunal and its composition and function, while Section 6 of the said Act of 1997 deals with jurisdiction, power and authority of the Tribunal.
10. On perusal of Section 6(b) of the said Act of 1997, it appears that an application complaining inaction and/or culpable negligence of an authority under a 'Specified Act' falls within the jurisdiction of the Tribunal as has been established under Section 4 of the said Act of 1997.
11. Keeping in mind the aforementioned legislative provisions, if I look to the factual aspects of this Case, it reveals that the writ petitioner is practically aggrieved with the inaction of the respondent authorities and/or culpable negligence of the respondent authorities, who are the authorities under a 'Specified Act' within the meaning of Section 2(r) of the said Act of 1997.
12. In view of such clear legislative mandate, this Court is

constrained to hold that the instant writ petition is not at all maintainable.

13. Before parting with, it is further directed that since the writ petitioner is pursuing his remedy before a wrong forum, this Court directs that, in the event, any such application on the self-same cause of action is filed by the writ petitioner before the West Bengal Land Reforms and Tenancy Tribunal within thirty working days from today, the said Tribunal shall consider the said application as has been filed within the period of limitation.
14. With the aforementioned observations, WPA 25651 of 2025 is disposed of.
15. There shall, however, be no order as to costs.
16. Urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance with all the necessary formalities.

(Partha Sarathi Sen, J.)