

S/L 4
19.06.2025
Court. No. 19
Sourav

WPA 27957 of 2024

Dr. Binay Ranjay Roy
Vs.
The State of West Bengal & Ors.

Mr. Sourajit Das Gupta
Mr. Aasish Choudhury
Ms. Uma Baghee

...for the petitioner.

Mr. Ayan Banerjee
Mr. D. Dinda

...for the State.

1. The affidavit-of-service as filed today is taken on record.
2. By filing the instant writ petition, the writ petitioner has prayed for issuance of appropriate writ/writs against the respondents/authorities, more specifically, against the respondent no. 2 commanding him to take appropriate steps on the basis of the representation of the writ petitioner as sent on 07.10.2024 whereby and whereunder the writ petitioner requested the respondent no. 2/authority to effect rectification of the record of right.
3. On perusal of the petition under consideration and after hearing the learned advocate for the writ petitioner, it reveals to this Court that that it is the case of the writ petitioner that the writ petitioner is the owner of portions of several plots of land, particular of which has been mentioned in paragraph no. 9 of the instant writ petition. It is the further case of the writ petitioner that the land particulars of which has been mentioned in paragraph no. 9 of the instant writ petition has been erroneously recorded in the name of the respondent no. 3.

4. It is the further case of the writ petitioner that the writ petitioner made an application before the respondent no. 2/authority for correction of the erroneous record of right by submitting his representation dated 07.10.2024 followed by a reminder dated 12.11.2024.
5. It is submitted on behalf of the writ petitioner that despite receipt of such representation and/or reminder as submitted by the writ petitioner, the respondent no. 2/authority had done nothing and is practically sitting idle over the matter.
6. At this juncture, this Court proposes 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' for short).
7. On perusal of Section 2(r) of the said Act of 1997, it appears to this Court that the West Bengal Land Reforms Act, 1955 (hereinafter referred to as 'the said Act of 1955' in short) comes under the purview of 'specified Act'.
8. It further appears to this Court that Section 4 of the said Act of 1997 postulates establishment of Tribunal and compositions and functions thereof.
9. It further appears to this Court that Section 6 of the said Act of 1997 deals with jurisdiction, power and authority of the Tribunal which covers the following:

“an application complaining inaction or culpable negligence of an authority under a specified Act”.
10. At this juncture, if I again look to Section 8 of the said Act of 1997, it reveals that it is the legislative mandate that the jurisdiction of the High Court over the matters triable by

the Tribunal have been taken away except the jurisdiction of the High Court under Article 226 and Article 227 of the Constitution of India which is entertainable by a Division Bench.

11. In view of the aforementioned legislative mandate, this Court considers that this Court lacks jurisdiction to entertain such type of writ petition where the grievance of the writ petitioner is non-action and/or inaction of an authority under the said Act of 1955 which is a 'specified Act' under Section 2(r) of the said Act of 1997.
12. With the aforementioned observations, the instant writ petition being **WPA 27957 of 2024** is dismissed.
13. There shall be, however, no order as to costs.
14. Before parting with, it is made clear that dismissal of the instant writ petition will not debar the writ petitioner to ventilate his grievance before the appropriate forum, if so advised.
15. 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.)