

WPA 28978 of 2025

Mr. Subrata Ghosh Dastidar
Vs.
The State of West Bengal & Ors.

Mr. D. Roy Chowdhury
Ms. Puja Banerjee
.... for the petitioner

Mr. Biswajit De
Mr. Soumik Dey
..... for the State

Mr. Ankit Sureka
Mr. Asit Dutta
..... for the respondent no. 2 & 3

Mr. Aasif Hussain
Mr. Ovik Sengupta
Mr. Vijay Kumar Verma
..... for the respondent no. 6

1. The petitioner is a member of the Hijli Co-operative Development Society Limited (hereinafter referred to as the "Society").
2. Mr. Roy Chowdhury, learned Advocate appearing for the petitioner, submits that the Society is a lessee under the State of West Bengal since 1947, with a land bank of 189.83 acres.
3. He further submits that the land of the Society has been illegally and unlawfully transferred. Further the respondent no. 5 has been mutating such land, which is owned by the State of West Bengal and in respect whereof

the Society is a lessee, to various persons, including individuals.

4. Mr. Hussain, learned Advocate appearing for the respondent no. 6, submits that the Society has challenged several such mutations before the Land Reforms Tribunal, which failed due to some technical reasons and carried in appeal to this Hon'ble Court. Such appeal is pending.
5. However, he further submits that the mutation complained, in the instant petition, is not part of that appeal which is pending adjudication.
6. Mr. Sureka, learned Advocate appearing for the respondents no. 2 and 3, submits that if indeed there is a violation of Section 92 of the West Bengal Cooperative Societies Act, 2006 (hereinafter referred to as the "said Act, 2006"), the concerned Registrar will cause an investigation into it.
7. Mr. De, learned Advocate appearing for the respondent no. 5 submits that there is an alternative remedy available to the petitioner on account whereof the instant writ petition should not be entertained.
8. I have heard the learned Advocates for the parties and considered the materials on record. Three disputes fall for consideration:

- i) Whether land has been transferred in violation of Section 92 of the said Act, 2006?
- ii) Whether the land, if transferred, could have been so transferred under the provisions of the said Act, 2006?
- iii) Whether alternative remedy will be a bar to entertain the writ petition?

9. Adverting to the third issue first, since the point of maintainability has been raised, it is true that an appeal under Section 54 of the West Bengal Land Reforms Act, 1955, is the statutory remedy from an order is passed by the respondent no. 5. This provides for an Appellate Forum from any order passed by the respondent no. 5. Admittedly, in the present case, the respondent no. 5, has not reacted to nor, in any manner, responded to the representations made by the petitioner on November 6, 2025, through his Advocate and of the Society on November 13, 2025. Such representations have been unceremoniously ignored. Thus, the question of an alternative or efficacious remedy does not arise as there is no order passed by the respondent no. 5. I find no reason to reject the writ petition on the ground of availability of an alternative remedy as urged.

10. I direct the respondent no. 5 to dispose of the afore-stated representations by February 20, 2026.
11. It is also relevant to note that the nature of transfers and if such transfers, which have been assailed both by the petitioner and the Society fall within the mischief of the provisions of the said Act, 2006, it could impede the rights of the Society.
12. Since the Society has not caused any of the transfers assailed in the writ petition, it is quite strange to note that such transfers have been effected without any notice to the said Society, the lessee of such land parcel. It appears from the representation that the Society itself is in the dark about such transfer of its land.
13. In view of the afore-stated, it is absolute imperative that the concerned Registrar cause an enquiry and investigation as to whether the land transferred, which is the subject matter of the instant writ petition, are in contravention of the provisions of Section 92 of the said Act, 2006.
14. The Registrar will, after causing the enquiry, file a report with the Block Land and Land Reforms Officer (in short "BL & LRO") by January, 31, 2026.

15. The BL & LRO, while disposing of the representations, will take into account of the report filed by the Registrar.
16. Respondent no. 5, till disposal of the representations, will not cause any further mutation of any plot of land in the Sonamukhi and Ghaghra Mouzas in the lands specified hereunder :

SCHEDULE "A"

SONAMUKHI MOUZA

Total land :- 149.20 acres,

MOUZA :- SONAMUKHI;

JL No. 188;

Touzi No. 2896;

R.S. Khatian No. 704;

RS DAG No's 06, 07, 09 to 39, 41, 42, 43, 45, 46, 47 to 64, 87, 89, 90 to 97, 101 to 111, 117 to 123, 125 to 131, 133 to 143, 146 to 154, 156 to 166, 170, 173 to 175, 181, 190 to 200, 202 to 352, 354 to 368, 372 to 382, 384 to 467, 469 to 475.

SCHEDULE "B"

GHAGHRA MOUZA

Total land :- 40.80 acres

MOUZA :- GHAGHRA;

JL No. 187;

Touzi No. 2896;

RS khatian No. 37;

RS DAG No's 22, 23, 28, 224, 225, 228, 230,
233, 234.

17. With the aforestated directions, the writ petition
is disposed of.

18. There shall, however, be no order as to costs.

19. Since no affidavit has been called for, the
allegations contained in the writ petition are
deemed to be denied.

20. Urgent photostat certified copy of this order, if
applied for, be supplied to the parties on usual
undertaking.

(Reetobroto Kumar Mitra, J.)