

03
10.01.2025
Ct. No. 11
Jayanta

WPLRT 169 of 2024
Mamata Hazra & Ors.
vs.
The State of West Bengal & Ors.

Mr. Sailendra Nath Chakraborty
....For the Petitioners.

The present writ petition arises from a Miscellaneous Application (in short, MA) no. 216 of 2018 filed before the learned Tribunal in connection with the Original Application (in short, OA) no. 544 of 2016.

The order dated 21st November 2024, passed by the learned Tribunal in MA 216 of 2018, indicates that the present petitioners had filed OA 544 of 2016 to challenge the order passed by the appellate authority on 11th March 2024.

However, due to certain technical defects in the application, the OA was disposed of, with liberty granted to the petitioners to take appropriate steps in accordance with the law. Instead of availing themselves of this liberty by filing a fresh OA, the present petitioners have preferred the present writ petition, seeking a direction to the respondents to act in accordance with the law and to record the names of the petitioners in the Record of Rights.

The record reveals that an application for the correction of the Record of Rights was made before the

competent authority. Based on that application, a case was initiated and later disposed of by an order. Aggrieved by that order, the petitioners preferred a statutory appeal before the appellate authority, which was also disposed of. Consequently, if the petitioners are aggrieved by the order passed in the appeal, their only available remedy is to challenge the appellate authority's order before the learned Tribunal. The petitioners sought to challenge the order of the appellate authority by filing the OA, but the application was found to be defective and was consequently disposed of, with liberty granted to the petitioners to take appropriate steps. However, as previously noted, instead of pursuing the remedy availing themselves of the liberty granted by the learned Tribunal, the petitioners have filed the present writ petition. In light of these circumstances, the prayer made in the present writ petition cannot be acceded to. Accordingly, the writ petition cannot be entertained and is therefore dismissed.

However, this order shall not preclude the petitioners from taking appropriate steps in accordance with the law, as per the liberty granted by the learned Tribunal, if they are so advised, in accordance with the applicable legal provisions.

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

Urgent certified photocopy of this order, if applied for, be supplied as expeditiously as possible.

(Partha Sarathi Chatterjee,J.) (Tapabrata Chakraborty,J.)

