

A 156
31.07.2025
Court. No. 19
Jayanta

WPA 31055 of 2024

Mamoni Maity
Vs.
The State of West Bengal & Ors.

Mr. Pradip Paul
Mr. Gourab Ghosh
Ms. Renesa Dey

...for the petitioners.

Mr. Soumitra Bandyopadhyay, Sr. Govt. Adv.
Ms. Suchana Banerjee

...for the State.

In Re: WPA 31055 of 2024

1. The subject matter of challenge in the instant writ petition is the order dated 25th September, 2024 as passed by the respondent no. 2 authority in a proceeding under Section 4 C of the West Bengal Land Reforms Act, 1955 (hereinafter referred to as the said Act of 1955).
2. By the order under challenge the respondent no. 4 authority declined to grant permission to the writ petitioner for conversation of the nature of the land as prayed for.
3. At the time of hearing Mr. Ghosh, learned counsel appearing on behalf of the writ petitioner and duly assisted by Ms. Dey at the very outset draws attention of this Court to the orders as passed by the respondent no.2 authority in connection with Case no. CN/2024/1626/268, dated 15th March, 2024.
4. It is submitted by Mr. Ghosh that from the order dated 25th September, 2024 as well as from the earlier orders it would reveal that the respondent no. 2 has assigned no

reason whatsoever as to what prompted him to reject the genuine prayer of the writ petitioner.

5. It is, thus, submitted that the respondent no. 2 authority being an authority under Article 12 of the Constitution of India is bound to assign sufficient reason while disposing an application under Section 4 C of the said Act of 1955.
6. Per contra Mr. Bandyopadhyay, learned senior Government advocate appearing on behalf of the respondent and its instrumentalities of State at the very outset draws attention of this Court to Section 54 of the said Act of 1955. It is submitted by Mr. Bandyopadhyay that as against the order passed by the respondent no. 2 authority there is a provision for filing appeal.
7. It is, thus, submitted by Mr. Bandyopadhyay that the instant writ petition is not maintainable in view of the availability of the alternative remedy.
8. On careful perusal of the entire materials on record as placed before this Court and after hearing the learned counsels for the contending parties this Court finds sufficient jurisdiction in the submission of Mr. Bandyopadhyay. It appears to this Court that Section 54 of the said Act of 1955 clearly mandates that an appeal should lie before the commissioner of the division when an order is made by a collector of a district within the division under the provisions of said Act of 1955.
9. In view of such and in view of the availability of alternative efficacious statutory remedy this Court holds

that the instant writ petition is not maintainable and is, thus, dismissed.

10. Before parting with it is made clear that since the writ petitioner is pursuing her remedy in a wrong forum under misconception of law, this Court grants liberty to the writ petitioner to file appeal before the appropriate authority within 30 working days from today, if so advised and in the event such appeal is filed within the said period, the appellate authority shall condone the delay, if thereby any, in filing such appeal.
11. With the aforementioned observation WPA 31055 of 2024 is disposed of.
12. There shall, however, be no order as to costs.
13. Urgent certified photocopy of this order, if applied for, be supplied as expeditiously as possible.

(Partha Sarathi Sen, J.)