

07.04.2025
Ct. No.2
10
Rohit

**Calcutta High Court
In the Circuit Bench at Jalpaiguri**

**WPA 703 of 2025
Kalpana Dutta
-vs-
The State of West Bengal & Ors.**

Mr. Rahul Hoare	
Mr. Satyaki Basu	
Ms. Ambika Saha	
	...for the Petitioner
Ms. Bedashruti Bose	
Mr. Sumit Kumar	
	...for the State

Affidavit-of-service filed in Court today be taken on record.

The petitioner claims to have obtained an order of preemption from the competent Court of law. The grievance of the petitioner is that the concerned Block Land and Land Reforms Officer has not taken any steps for correction of the record of rights in terms of the order of preemption passed by the Munsiff under Section 8 of the West Bengal Land Reforms Act.

The learned Advocate appearing for the petitioner draws the attention of the Court to the order of preemption and submits that though a copy of the same was forwarded to the concerned Block Land and Land Reforms Officer no steps for correction of the record of rights as yet been taken. Alleging inaction on the part of Block Land and Land Reforms

Officer, Mal in correcting the record of rights the petitioner has approached this Court.

The West Bengal Land Reforms Act, 1955 is a specified Act under Section 2(r) of the West Bengal Land Reforms and Tenancy Tribunal Act, 1997. Section 6 of the 1997 Act states that the Tribunal shall with effect from such date as may be notified by the State Government by notification in this behalf, exercise jurisdiction, power and authority in relating to applications complaining inaction or culpable negligence of an authority under a specified Act.

Section 8 of the 1997 Act states that on and from the date from which the jurisdiction, power and authority becomes exercisable under the Act by the Tribunal, the High Court except where that Court exercises writ jurisdiction under Articles 226 and 227 of the Constitution by a Division Bench, or any civil Court except the Supreme Court shall not entertain any proceeding or application or exercise any jurisdiction, power or authority in relation to adjudication or trial of disputes or applications relating to land reforms or any matter connected therewith or incidental thereto or any other matter under any provisions of a specified Act.

A conjoint reading of Section 6 and 8 would imply that the Tribunal shall exercise the jurisdiction in respect of an application complaining inaction or

culpable negligence of an authority under a specified Act.

As observed hereinbefore the petitioner has complained of inaction on the part of an authority under the West Bengal Land Reforms Act, 1955 which is a specified Act. For such reason, this Court is not inclined to grant any relief in favour of the petitioner in this application under Article 226 of the Constitution of India.

Accordingly, the writ petition stands dismissed. However, this order of dismissal shall not prevent the petitioner from approaching the appropriate forum in accordance with law.

(Hiranmay Bhattacharyya, J.)