

10.06.2025
Sl. No.11
akd

IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI

W. P. A. 1155 of 2025

***[Mount View Happy Homes LLP -Vs- The State of West Bengal
& Ors.]***

Dr. Pabitra Pal Chowdhury
Mr. Debanshu Modak
... .. for the petitioner

Mr. Bijoy Bikram Das
... .. for the Corporation
[Siliguri Municipal Corporation]

Mr. Hirak Barman
Ms. Rima Sarkar
... .. for the State

1. Affidavit-of-service filed in court today is taken on record.
2. The Petitioner, by way of the present writ petition, challenges the appellate proceedings initiated by the Respondent–Siliguri Municipal Corporation, registered as Case No. XIII-B/29 of 2021, under Section 54 of the West Bengal Land Reforms Act, 1955. The said proceedings were pending adjudication before the District Land and Land Reforms Officer (D.L. & L.R.O.), who is arrayed as Respondent No. 8 herein.
3. At the very outset, Learned Counsel appearing for the Respondents submits that the D.L. & L.R.O. has already passed a final order and thereby disposing of Case No. XIII-B/29 of 2021. However, Learned Counsel for the Petitioner contends that notwithstanding such disposal, the present writ petition deserves adjudication on merits. In view of the said

submission, this Court proceeds to examine the matter on its merits.

4. It is the case of the Petitioner that he is the lawful owner of land measuring 0.63 acres, recorded under Khatian No. 1425, which stood duly mutated in his name. However, in or about October 2018, the Petitioner discovered that the said mutation had been arbitrarily deleted from the official records with the endorsement "record not found." Consequently, by letter dated 25.10.2018, the Petitioner approached the Block Land and Land Reforms Officer, Rajganj (Respondent No. 9), Jalpaiguri, seeking restoration of Khatian No. 1425 in his name. Respondent No. 9, by order dated 16.05.2019, in a proceeding drawn up as Misc. Case No. 101/BLLRO/18 of 2018 rejected the Petitioner's prayer.

5. Aggrieved by such order, the Petitioner preferred an appeal under Section 54 of the West Bengal Land Reforms Act, 1955 before the D.L & L.R.O, which was registered as Appeal Case No. XIII-B/47 of 2019. Subsequently, by order dated 15.02.2021, the B.L & L.R.O, Rajganj, Jalpaiguri acting under delegated authority conferred by the D.L. & L.R.O. allowed the appeal and restored the land in favour of the Petitioner.

6. The Petitioner contends that, notwithstanding the finality attained by the said Appeal Case No. XIII-B/47 of 2019, Respondent No. 8, in collusion with Respondents No. 3 to 5 and through their agents and men, made repeated illegal attempts to encroach upon the Petitioner's land. In view of the said conduct, the Petitioner was constrained to file a writ petition being WPA 1204 of 2021. By order dated

10.09.2021, this Hon'ble Court disposed of the said writ petition, observing that at that juncture, there was no apparent evidence of dispossession by the Siliguri Municipal Corporation. However, the Petitioner submits that the unlawful attempts by the said respondents to dispossess him continued unabated, compelling him to file another writ petition being WPA 905 of 2024.

7. During the pendency of the said writ proceedings, the petitioner came to know that the respondent-Siliguri Municipal Corporation had instituted an appeal under Section 54 of the West Bengal Land Reforms Act, 1955 being Case No. XIII-B/29 of 2021 before the D.L. & L.R.O challenging the order dated 15.02.2021.

8. The Petitioner alleges that no notice with respect to the said appeal proceedings bearing Case No. XIII-B/29 of 2021, pending before the D.L. & L.R.O, was ever served upon him. The Petitioner further contends that despite his efforts to participate in the said proceedings, he was denied such opportunity and was not furnished with any documents or materials related to the said appeal. The Petitioner, therefore, asserts that the entire proceeding stands vitiated due to procedural irregularities and non-compliance with the principles of natural justice. Accordingly, the Petitioner prays for quashing of the said appeal proceedings being Case No. XIII-B/29 of 2021.

9. Learned Counsel appearing for the State-Respondents has raised a preliminary objection regarding the maintainability of the present writ petition. She has drawn the attention of this Court to the provisions of Section 2(r) of

the West Bengal Land Reforms and Tenancy Tribunal Act, 1997. It is submitted that a conjoint reading of Sections 6 and 8 of the said Act clearly indicates that the Land Reforms and Tenancy Tribunal alone is vested with the jurisdiction to entertain any application alleging inaction or culpable negligence on the part of an authority under a specified Act. In support of her contention, reliance is placed upon a judgment rendered by a Coordinate Bench of this Court in *WPA 703 of 2025 (Kalpana Dutta vs. The State of West Bengal & Ors.)*, wherein it has been observed as follows:–

“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.”

10. Learned Advocate for the respondent-Siliguri Municipal Corporation has further drawn the attention of this court to the order sheets of Appeal No. XIII-B/29 of 2021 wherein it has been shown that the petitioner has been participating in the said appellate proceeding pending before the District Land & Land Reforms Officer, Jalpaiguri.

11. This Court has heard the arguments advanced by the learned Advocates for the respective parties and has perused the materials on record.

12. The relief sought in the present writ petition is for the issuance of an appropriate writ, order, or direction for quashing the appeal proceedings, being *Appeal No. XIII-B/29 of 2021*, initiated by the respondent, Siliguri Municipal Corporation, under Section 54 of the West Bengal Land Reforms Act, 1955.

13. It is a well-settled proposition of law that any party aggrieved by an order passed by the B.L & L.R.O is entitled to prefer an appeal under Section 54 of the West Bengal Land Reforms Act, 1955. D.L. & L.R.O. is the competent appellate authority to adjudicate such appeals in accordance with the prescribed legal procedure.

14. In the instant case, the D.L. & L.R.O. has duly entertained and adjudicated *Appeal No. XIII-B/29 of 2021* and has passed a final order therein. If the petitioner is aggrieved by the said final order, the appropriate legal remedy available to him lies in challenging the same before the competent forum in accordance with law. It is not open to the petitioner to invoke the extraordinary writ jurisdiction of this Court under Article 226 of the Constitution of India for the sole purpose of quashing the appeal proceedings, especially after the appeal has already been adjudicated and a final order has been rendered by the competent appellate authority.

15. This Court is therefore of the considered opinion that the prayer for quashing the statutory appeal proceedings cannot be entertained merely on the ground that the petitioner was not served with notice or was not afforded adequate opportunity to present his case before the appellate authority.

16. Accordingly, this Court finds that the present writ petition has become infructuous in light of the final order already passed in the appeal proceedings. The petitioner is at liberty to assail the said final order through appropriate legal proceedings, if so advised.

17. It is noted at this stage that Dr. Pabitra Pal Chowdhury, learned Advocate for the petitioner, repeatedly interrupted the Court during the dictation of the order. Subsequent to the passing of the order, the learned Advocate raised his voice and used language that was wholly inappropriate and unbecoming of an officer of the Court. Such conduct not only disrupts judicial proceedings but also undermines the dignity and solemnity of the Courtroom. While this Court, in its discretion, refrains from initiating contempt proceedings against the learned Advocate at this stage, it deems it necessary to place on record its strong disapproval and condemnation of such behavior. Advocates are expected to maintain a standard of decorum and respect towards the Court, and any deviation from such standard is unacceptable.

18. With the aforesaid observations, the present writ petition is dismissed.

19. There shall be no order as to costs.

20. Since no affidavits have been filed by the respondents, the allegations made in the writ petition shall not be deemed to have been admitted.

21. Let urgent Photostat certified copy of this order, if applied for, be supplied to the parties on usual undertaking.

(Gaurang Kanth, J.)