

*D/L - 4
06/11/2025
Court. No. 2
Aritra*

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

WPA 2087 of 2025

**Civil Engineers Enterprises Pvt. Ltd.
Vs.
The State of West Bengal & Ors.**

Mr. Bikramaditya Ghosh
Mr. Mayank Bhandari
Mr. Ved Rai
Mr. Vivek Saha

....for the petitioner

Mr. Momenur Rahaman
Mr. Sourav Sarkar

....for the State

Mr. Nabankur Paul
Mrs Sutapa Sen Paul
Mr. Bodhisatya Ghosh

....for the respondent Nos. 5 & 6

Affidavit of service filed in Court today is taken on record.

This application under Article 226 of the Constitution of India has been filed praying for setting aside the memo dated July 23, 2025 issued by the Block Land & Land Reforms Officer, Kalchini Block, Alipurduar.

Mr. Ghosh, learned advocate appearing for the petitioner submits that a civil suit between the petitioner and the private respondent No.5 for recovery of possession with regard to a portion of a tea garden is pending. Petitioner claims to be in possession of such portion of the tea garden for last 50 years. He further submits that the concerned Block Land & Land Reforms Officer have started taking steps for correction of the Record of Rights in favour of the private respondents. He submits that since the issue with

regard to the right in respect of the leasehold property is pending before the civil court, the concerned Block Land & Land Reforms Officer should be restrained from taking any further steps in the matter.

Mr. Paul, learned advocate appears for the private respondents. He disputes the contention of Mr. Ghosh that the petitioner is in possession of the portion of the tea garden in question for last 50 years. He submits that the petitioner has encroached a portion of the tea garden in the year 2017. He submits that since the petitioner has challenged an action of the Block Land & Land Reforms Officer with regard to the mutation of the portion in question, the petitioner has to approach the West Bengal Land Reforms and Tenancy Tribunal for any relief against the Block Land & Land Reforms Officer with regard to correction of Record of Rights.

Mr. Rahaman, learned advocate appears for the State. He also raises an objection as to the maintainability of the writ petition.

After going through the memo dated July 23, 2025 it appears to this Court that the concerned Block Land & Land Reforms Officer is taking steps for framing the record comprising the quantum of land as specifically mentioned in the said memo in favour of the private respondent No.5.

In view of the provisions laid down under Section 6 read with Sections 7 and 8 of the West Bengal Land Reforms Tenancy Tribunal Act, 1997, this Court is not inclined to entertain and try this writ petition as an alternative and efficacious remedy has been provided thereunder.

Accordingly, **WPA 2087 of 2025** stands disposed of by leaving the petitioner free to approach the appropriate forum in accordance with law for appropriate reliefs.

It is however, made clear that this Court has not gone into the merits of the claims and counter-claims of the respective private parties and the appropriate forum is free to decide the same if an approach is made to such forum.

All parties shall act with the server copy of this order duly downloaded from the official website of this Court.

(Hiranmay Bhattacharyya, J.)