

D/L- 1
16/03/2026
Ct. No.-19
Aritra

WPA 689 of 2026
With
CAN 1 of 2026
Kanika Dey & Anr.
Vs.
The State of West Bengal & Ors.

Mr. Pranay Mondal
Ms. Tuktuki Dey

....for the petitioners-in-person

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

Petitioners filed an application being CAN 1 of 2026 praying for recalling of the order dated February 5, 2026 passed in WPA 689 of 2026. In the said application the petitioners have alleged that their learned advocates have withdrawn the writ petition without the knowledge, consent or written instruction from the petitioners. It has been further stated in the said application that the petitioners were kept in dark regarding the proceedings.

Without entering into the merits of the allegations made in CAN 1 of 2026, this Court feels that the petitioner who is appearing in person should be afforded an opportunity to make his submission. Only for such reason, this Court is inclined to recall the order dated February 5, 2026.

Accordingly the order dated February 5, 2026 stands recalled. CAN 1 of 2026 stands allowed and the writ petition is restored to its original file and number.

Writ petition is taken up for immediate consideration.

The petitioner appearing in person places reliance upon a judgment of the Hon'ble Supreme Court passed on October 16, 2025 in SLP (Civil) No(s).27984-27988 in the case of ***Leelavathi N. & Ors. Etc. vs. The State of Karnataka & Ors. Etc.*** in support of his contention that if there has been a violation of the principles of natural justice, the alternative remedy is not an absolute embargo upon the High Court in exercising powers under Article 226 of the Constitution of India.

In the writ petition, the petitioners have prayed for a direction upon the respondents to record their names in the Record of Rights in terms of the judgment and decree passed by the Civil Court.

Petitioners referred to the representation submitted by them before the Block Land & Land Reforms Officer, Rajarhat dated March 12, 2024, in support of their contention that the Block Land & Land Reforms Officer has not taken any steps to record the names of the petitioners in spite of a judgment and decree passed by the Civil Court in Title Suit NO.898 of 2015 and Title Appeal No.594 of 2019.

After going through the statements made in the said writ petition, it is evident that the petitioners are aggrieved by the inaction on the part of the Block Land & Land Reforms Officer, who is an Authority under the West

Bengal Land Reforms Act, 1955, which is a specified Act under Section 2(r) of the West Bengal Land Reforms and Tenancy Tribunal Act, 1997.

Section 6 of the West Bengal Land Reforms and Tenancy Tribunal Act, 1997 states that the Tribunal shall, with effect from such date as may be appointed by the State Government by notification in this behalf, exercise jurisdiction, power and authority in relation to application relating to matters, under any provision of a specified Act as well as an application, complaining inaction or culpable negligence of an Authority under a specified Act.

Section 7 of the West Bengal Land Reforms and Tenancy Tribunal Act, 1997 vests the Tribunal with the power to exercise all the jurisdiction power and authority exercisable immediately before that day by any court including the High Court, except the writ jurisdiction under Articles 226 and 227 of the Constitution exercised by a Division Bench of the High Court, but excluding the Supreme Court, for adjudication or trial of disputes and applications relating to land reforms and matters connected therewith or incidental thereto and other matters arising out of any provisions of a specified Act.

Section 8 of the 1997 Act states that on and from the date from which jurisdiction, power and authority become exercisable under this 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 provision of a specified Act.

The Constitution Bench of the Hon'ble Supreme Court in the case of ***L. Chandra Kumar vs. Union of India***, reported at **(1997) 3 SCC 261** held that the Tribunal constituted under Articles 323A and 323B shall act as the Court of first Instance and it is not open for the litigants to approach the High Court directly in respect of the matters falling within the jurisdiction of the Tribunal.

After going through the statements made in the representation as well as averments made in the writ petition, it is evident that the petitioners are complaining of inaction or culpable negligence of the concerned Block Land & Land Reforms Officer, who is an Authority under the West Bengal Land Reforms Act, 1995 which is a specified Act under Section 2(r) of the 1997 Act.

In view of the provisions laid down under Sections 6, 7 and 8 of the 1997 Act, this Court was not inclined to entertain the instant writ petition when the same was moved on February 5, 2026 as by virtue of the 1997 Act, the Tribunal was constituted to act as the Court of First Instance and the jurisdiction of the Single Bench of the

High Court under Articles 226 and 227 was excluded by Section 8 of the 1997 Act.

In ***Leelavathi N.*** (supra) the Hon'ble Supreme Court took note of a decision in ***PHR Invent Educational Society vs. UCO Bank & Ors.***, reported in ***(2024) 6 SCC 579***. In ***PHR Invent*** (supra) after noting the exceptions carved out for entertaining a writ petition under Article 226 of the Constitution of India, clarified in paragraph 38 of the said reports that if an effective alternative remedy is available to the aggrieved person or the statute under which the action complained of has been taken itself contains a mechanism for redressal of grievance.

The 1997 Act provides the mechanism for redressal of grievances, which is an effective alternative remedy.

For such reason this Court is not inclined to entertain this writ petition.

At this stage petitioner appearing in person submits that liberty be given to the petitioners to approach the appropriate forum.

The writ petition accordingly stands dismissed.

It is however made clear that this order of dismissal shall not preclude the petitioners from approaching the appropriate forum in accordance with law on the selfsame cause of action.

There will be no order as to costs.

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

(Hiranmay Bhattacharyya, J.)