

SL. 12
06.02.2026
Court No.19
BP

WPA 1506 of 2026

Gouranga Bauri & Ors.
-versus-
The State of West Bengal and others

Mr. Indranath Mitra
..for the petitioners

Mr. Ratul Biswas
Mr. Md. M Nazar Chowdhury
..for the State

The petitioners have approached this Court praying for multiple reliefs. The first relief sought for by the petitioners is for a direction upon the authorities to quash the illegal recording of the name of the Government ITI, Santuri as raiyat in the L.R. record of rights. The petitioners also sought for a mandamus directing the respondents to demolish the entire construction of the ITI building allegedly run by the State of West Bengal in Technical Education Department in the land of the petitioners situated at Dag No. 2978 within Mouza Santuri in the District of Purulia. The petitioners have sought for a mandamus directing the respondents to pay fair compensation in respect of the land of the petitioners which, according to the petitioners, was taken without following due process of law. The petitioners also prayed for issuance of a mandamus commanding the respondents to identify the quantum of land of the

petitioners situated at Dag No. 2978, J.L. No. 90, Mouza Santuri, Police Station Santuri and to demarcate by way of mapping the land of the petitioners forthwith.

The maintenance of record and the revision of record of rights falls within the domain of the authorities under the West Bengal Land Reforms Act, 1955. The petitioners have alleged in action on the part of the authorities under the West Bengal Land Reforms Act, 1955 insofar as the recording of the record of right is concerned. Section 2(r) of the West Bengal Land Reforms and Tenancy Tribunal Act, 1997 lays down the “specified acts” and the West Bengal Land Reforms Act, 1955 is a “specified act” under Section 2(r) of the 1997 Act. Section 6 of the 1997 Act vests the jurisdiction upon the Tribunal in respect of an application complaining in action of culpable negligence of an authority under a specified act and also the applications relating to matters under any provision of a specified Act. Section 8 of the 1997 Act excludes jurisdiction of the Single Bench of the High Court to exercise jurisdiction under Article 226 of the Constitution in respect of the matters which falls within the power and authority of the Tribunal. In view of an alternative and efficacious remedy available under the 1997 Act, this Court is not inclined to entertain the prayer of the petitioners insofar as the correction of the record of right is concerned.

Faced with such situation, the learned advocate appearing for the petitioners submits, on instructions that they are not pressing prayer (a) of the writ petition which reads as follows:

“a). A writ of and/or in the nature of mandamus be issued quashing the illegal recording of the name of the Government ITI, Santuri as rayat in the L.R. Record of Rights, forthwith;”

The learned advocate appearing for the petitioners submits that the petitioners have gifted a portion of the property for the purpose of setting up a hospital. He further submits that an ITI has been set up by the Government of West Bengal on a portion of the property of the petitioners without initiating any proceeding for acquisition or requisition.

Mr. Biswas, learned advocate appearing for the State files a copy of the status report prepared by the Block Land and Land Reforms Officer, Santuri, Purulia dated 5th February, 2026. The copy of the record of rights in respect of Plot No. 2978 has been appended to the said report. The said report states that R.S. Plot No. 2978 corresponding to L.R. Plot No. 2978 of Mouza Santuri, J.L. No.90 with total 9.79 acres is presently recorded in favour of ITI Santuri with an area of 4.41 acres, 0.48 acres in the name of the patta holders and the rest 4.90 acres in the name of different raiyats including the petitioners of the instant writ petition. The said report

further states that 4.89 acres out of 9.79 acres of the said plot stood vested to the State and ITI Santuri got 4.41 acres of land from that vested part of the suit property. It has been stated that ITI Santuri is situated about 4.41 acres of land and Santuri Rural Hospital is situated over more or less 2.00 acres of land of the plot in question. The petitioners have not raised any objection against setting up of the hospital on the plot in question.

The only grievance of the petitioners, as ventilated in this writ petition, is that ITI has been set up on a portion of the property without initiating any proceeding for requisition and acquisition.

The learned advocate appearing for the petitioners, however, does not dispute the fact that 50% of the total area of the original plot stood vested with the State. The present grievance of the petitioners is that the ITI has been set up on a portion of an unpartitioned property without any identification and demarcation of the vested portion.

In support of such contention the learned advocate appearing for the petitioners draws the attention of the Court to the letter dated 27th February, 2014 requesting the concerned Block Land and Land Reforms Officer, Santuri Block to draw a map showing a raiyati portion and the vested portion. The learned advocate appearing for the petitioners submits that no demarcation was made by the concerned Block Land and Land Reforms Officer in

spite of specific request made by the petitioners to such effect.

It appears from the materials annexed to this writ petition that as far back as in the year 2003 more particularly on 12th June, 2003 the petitioners approached the District Land and Land Reforms Officer, Purulia, Sub-Divisional Land and Land Reforms Officer, Raghunathpur and the Block Land and Land Reforms Officer, Santuri praying for demarcation of the vested portion and to curb out a bata plot in respect thereof.

The learned advocate appearing for the petitioners submits that in spite of making several representations no steps have been taken by such authorities to demarcate the raiyati portion and the vested portion.

The learned advocate appearing for the petitioners, in course of his argument, draws the attention of the Court to several notices issued by the Block Land and Land Reforms Officer asking the petitioners to attend the meeting of three man committee with regard to the land dispute in respect of Plot No. 2978 of Mouza Santuri.

The learned advocate appearing for the petitioners, on instructions, submits that the petitioners duly attended the said meeting before the said authority but no steps have been taken by such authority in that regard.

From the materials on record it appears that a portion of the R.S. Plot No. 2978 corresponding to L.R. Plot No. 2978 stood vested to the State.

On a query of the Court the learned advocate appearing for the petitioners submits that the construction of the ITI started sometimes in the year 2014 and at the time the petitioners approached the authorities praying for demarcation of the plot in question.

However, the petitioners sat tight over the matter and allowed the setting up of the ITI and have approached this Court by filing a writ petition only on January 30, 2026. The inordinate delay and laches in approaching the writ Court has not been explained in this writ petition.

The learned advocate appearing for the petitioners submits that repeated representations were made by the petitioner and the petitioners thereafter approached this Court.

It is well settled that mere submission of representation cannot be a satisfactory explanation for approaching the writ court with an inordinate delay. For all the reasons as aforesaid, this Court is not inclined to grant any relief to the petitioners. However, the petitioners have approached the concerned Block Land and Land Reforms Officer, Santuri, Purulia for resolution of the land dispute in respect of Plot No. 2978.

In view thereof, this Court refrains from making any observation in that regard since the Block Land and Land Reforms Officer, Santuri is in seisin over such dispute. In the event the petitioners are aggrieved by any in action or

culpable negligence on the part of the Block Land and Land Reforms Officer in that regard, the petitioners are left free to approach the proper forum for appropriate reliefs.

With the above observations, WPA 1506 of 2026 stands disposed of.

There shall be however no order as to costs.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Hiranmay Bhattacharyya, J.)