

Item-
21. 17-03-2026

sg Ct. 19

WPA 5443 of 2026

Pannalal Manna & Ors.
Versus
State of West Bengal & Ors.

Mr. Chandradoy Roy
...for the petitioners

Sk. Md. Galib
Mr. Kapil Guha
...for the State

Mr. Salil Kumar Maiti
Mr. Dyutiman Banerjee
Ms. Dolan Samanta
...for the respondent no.7

The petitioners have prayed for a direction upon the respondent authorities to pass an order of stay of operation of the order dated November 6, 2024 and for a further direction upon the respondent authorities not to proceed further to insert the name of the PWD (Road) in the record of rights.

The learned Advocate appearing for the petitioners submits that the private respondents herein approached the Additional District Magistrate and District Land & Land Reforms Officer, Purba Medinipur praying for correction of the record of rights in respect of plot no. 810, within Mouza Anantapur, J.L. No.108, under Police Station Tamluk and to record the name of the Public Works Department (Roads) in the record of rights. He submits that the prayer of the private respondents was allowed by an order passed by the Additional District Magistrate and District Land & Land Reforms Officer, Purba Medinipur on 6th November, 2025 and challenging the said order, the petitioners have approached the Commissioner, Medinipur Division by preferring an appeal being No. 26 of 2025 under Section 54 of

the West Bengal Land Reforms Act. He further submits that the petitioners have also filed an application praying for recalling and modification of the order dated 6th November, 2025 passed by the Additional District Magistrate and District Land & Land Reforms Officer, Purba Medinipur.

Mr. Roy submits that since the appeal is pending before the appellate authority, this Court should pass an order of stay of operation of the order dated 6th November, 2025 passed by the Additional District Magistrate and District Land & Land Reforms Officer, Purba Medinipur.

Mr. Banerjee, learned Advocate appearing for the private respondents, raises an objection as to the maintainability of this writ petition in view of the alternative and efficacious remedy available under the West Bengal Land Reforms and Tenancy Tribunal Act, 1997. He further submits that the petitioners have also filed a title suit praying for declaration of title and permanent injunction before the civil court of competent jurisdiction and such suit is still pending.

Mr. Galib, learned Senior Government Advocate appearing for the State submits that the petitioner has prayed for an order of stay of operation of an order passed by an authority under the West Bengal Land Reforms Act, 1955. He submits that since the appeal filed under Section 54 of the 1955 Act is pending and if the petitioners are aggrieved by any inaction on the part of the appellate authority, the petitioners may approach the West Bengal Land Reforms and Tenancy Tribunal for appropriate reliefs.

The petitioners have approached the appellate authority under Section 54 of the West Bengal Land Reforms

Act, 1955 challenging an order passed by the District Land & Land Reforms Officer directing rectification of the record of rights. The jurisdiction, power and the authority of the West Bengal Land Reforms and Tenancy Tribunal has been specifically provided in Section 6 of the West Bengal Land Reforms and Tenancy Tribunal Act, 1997.

After going through the said provision, it appears that the Tribunal has been vested with the jurisdiction, power and authority in relation to an application complaining inaction or culpable negligence of an authority under a specified Act.

The petitioners have approached the Commissioner, Medinipur Division who is an appellate authority under Section 54 of the 1955 Act, which is a specified Act under Section 2(r) of the West Bengal Land Reforms and Tenancy Tribunal Act, 1997. Section 8 of the 1997 excludes the jurisdiction of the Single Bench in exercising powers under Article 226 of the Constitution of India in respect of the matters falling within the jurisdiction of the Tribunal.

Upon a conjoint reading of the provision laid down under Sections 6, 7 and 8 of the 1997 Act, this Court is not inclined to entertain this writ petition in view of the existence of an alternative and efficacious remedy provided under the 1997 Act.

It is now well-settled that under the scheme of the 1997 Act, the Tribunal should act like the court of first instance. For such reason this Court is not inclined to entertain this writ petition.

At this stage, Mr. Roy, learned Advocate for the

petitioners prayed for leave to withdraw this writ petition with liberty to approach the learned Tribunal on the self-same cause of action.

In the light of the submissions made by the learned Advocates for the respective parties and particularly in view of the prayer made by Mr. Roy, WPA 5443 of 2026 stands dismissed as withdrawn with liberty to the petitioners to approach the appropriate forum in accordance with law for appropriate reliefs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Hiranmay Bhattacharyya, J.)