

Form No.J(2)

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

Present :

The Hon'ble Justice Raja Basu Chowdhury

WPA 12880 of 2026

**Pradipta Biswas & Ors.
Versus
The State of West Bengal & Ors.**

For the petitioner	:	Mr. Kallol Basu Mr. Samik Sarkar Mr. Atreya Chakraborty
For the State	:	Mr. Sovan Mukherjee
For the HMC	:	Mr. Sandipan Banerjee
Heard on	:	17.06.2026.
Judgment on	:	17.06.2026.

Raja Basu Chowdhury, J (Oral):

1. The affidavit-of-service filed in Court today is taken on record.
2. Citing extreme urgency, this matter was mentioned in the morning today and has been taken up out of turn upon notice to the learned advocate representing the respondents. The petitioners challenging the steps taken by the respondents to excavate the petitioners' land have approached this Court.

3. To appreciate the case made out by the petitioners, it would be relevant to note down the facts leading to institution of the writ petition.
4. The petitioners claim to be co-sharers/co-owners in respect of piece and parcel of land situated at premises No. 15/3 MAdhav Ghosh Lane at L.R Dag No. 332, L.R. Khatian Nos. 1011, 1196, 1197, 1198, 1199, 1200, 1201, 1202, 1203, 45, 218, 474, 556, 553, 742, 871 and 1204, JL No. 1, having an area of 0.1553 decimals within Mouza- Shibpur, Police Station-Shibpur. The aforesaid property has morefully been detailed in the petition.
5. It is the petitioners' contention that the petitioners have been enjoying the said property and have been regularly making payment of municipal rates and taxes.
6. Mr. Bose, learned advocate representing the petitioners has drawn attention of this Court to the information published as regards the record of rights and would submit that the plots in question had been recorded as Bastu. Notwithstanding the aforesaid, it came to the notice of the petitioners that an *ex parte* order dated 20th March, 2025 had been passed by the prescribed authority under Section 50 of the West Bengal Land Reforms Act, 1955, being the concerned BL & LRO whereby, the concerned plots which form subject matter of the writ petition and had been classified as Bastu, were directed to be corrected from Bastu to Pukur (Pond).

7. Being aggrieved with the order passed under Section 50 by the prescribed authority under the West Bengal Land Reforms Act, 1955, the petitioners had preferred an appeal before the office of the ADM and DL & LRO. Since, there was a delay in preferring the appeal, an application under Section 5 of the Limitation Act has also been filed, seeking condonation of delay in preferring the appeal. In the interregnum, the respondents without serving the petitioners any notice have started excavating the petitioners' land.
8. Mr. Bose, learned advocate representing the petitioners has in this context, by drawing attention of this Court to Section 17A sub-Section (10) of the West Bengal Inland Fisheries Act, 1984 (in short, the "said Act"), would submit that although, a power is vested on the competent authority under the said Act, to take steps against persons who have contravened the provisions of sub-Section (1) of Section 17A of the said Act, however, such step must be preceded by a notice under sub-Section (10) thereof. According to him, no notice has been served. The aforesaid steps taken by the authorities are in colourable exercise of power, extra judicial, and this Court should forthwith arrest such steps.
9. Though, the State as also the HMC are represented, however, having regard to the peculiar facts noted hereinabove, this Court has dealt with the issue of the maintainability of the writ petition. Admittedly, the petitioners are aggrieved by a determination made under Section 50 of the West Bengal Land Reforms Act, 1955. By

the aforesaid order, the prescribed authority has concluded that the alternation of the record of rights from Pukur to Bastu in respect of the LR plot No. 332 was without maintaining proper procedure and has accordingly directed restoration of the original recording.

10. The aforesaid order though has been challenged by the petitioners, this Court has been informed by the learned advocate representing the petitioners that the delay in preferring the appeal is yet to be condoned.
11. I find that the West Bengal Land Reforms Act, 1955 is a specified Act within the meaning of Section 2(r) of the West Bengal Land Reforms and Tenancy Tribunal Act, 1997 (in short, the “Tenancy Tribunal Act”).
12. Having regard to the provisions contained in Section 6 of the aforesaid Tenancy Tribunal Act, read with Section 10 thereof and the Judgment delivered by the Hon’ble Supreme Court in the case of ***L. Chandra Kumar v. Union of India***, reported in **(1997) 3 SCC 261**, I am of the view, this Court at the first instance, ought not to entertain a challenge touching upon a decision passed by the prescribed authority under the said Act. Although, Mr. Bose, learned advocate has submitted that petitioners have approached this Court as a stopgap measure pending further decision by the appellate authority under Section 54 of the West Bengal Land Reforms Act, 1955, however, since the petitioners are otherwise not remediless and have alternative remedy before the West Bengal

Land Reforms and Tenancy Tribunal, I am not inclined to entertain the writ petition.

13. On such ground as also on the ground that unless final relief can be granted no interim relief should be granted, the writ petition fails and is hereby dismissed.

14. This Court has, however, made it abundantly clear that this Court has not examined the merits of the case and it shall be open to the petitioners to espouse the cause before appropriate forum, if so advised. The time spent by the petitioners before this Court pursuing the above remedy shall stand excluded for the purpose of computing the period of limitation.

(Raja Basu Chowdhury, J.)

**Sayandeep
A.R. (Court)**