

Sl.4
19.01.2026
Court No.19
BP

WPA 35 of 2026

Sk. Sarfaraj Rahamatulla
-versus-
The State of West Bengal and others

Mr. Sandip Kundu
..for the petitioner

Mr. Suman Ghosh, Sr. Govt. Advocate
Mr. Sankha Prasad
..for the State

Mr. Pappu Adhikari
..for the respondent no.6

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

The learned advocate appearing for the petitioner submits the respondents have been duly served.

In spite of service none appears for the respondents excepting the private respondent no.6.

Mr. Ghosh, learned Senior Government Advocate, who usually represents the State and is present in Court today, is requested to appear in this matter along with a junior of his choice. Let the appointment of Mr. Ghosh along with a junior of his choice be regularized by the concerned authority.

A copy of the writ petition has been supplied to Mr. Ghosh, learned advocate for the State in course of hearing of this writ petition.

Mr. Ghosh, learned Senior Government Advocate and the learned advocate for the private respondent raises

an objection against the maintainability of the writ petition in view of the provisions laid down under Sections 6, 7 and 8 of the West Bengal Land Reforms and Tenancy Tribunal Act, 1997.

The petitioner has alleged that the private respondents have been illegally converting the land by excavating the earth from the plot in question.

The learned advocate appearing for the petitioner submits that the private respondents do not have any manner of right, title, interest and possession in respect of the plot in question. He submits that illegal excavation work is carrying on in the plot in question.

Such submission of the learned advocate for the petitioner is seriously disputed by the learned advocate appearing for the private respondent no.6. He submits, on instructions, that the private respondent no.6 is the co-sharer of the petitioner. He further submits that the excavation work has been done only to facilitate cultivation and the same cannot by any stretch of imagination amount to conversion of the character of the plot in question.

Heard Mr. Ghosh, learned Senior Government Advocate for the State on such submission.

In view of the alternative efficacious remedy under the West Bengal Land Reforms and Tenancy Tribunal Act, 1997, this Court is not inclined to entertain this writ petition.

Faced with such situation, the learned advocate appearing for the petitioner prays for leave to withdraw this writ petition with liberty to approach the appropriate forum in accordance with law.

In the light of the submissions made by the learned advocate for the petitioner, WPA 35 of 2026 stands dismissed as withdrawn with liberty to the petitioner to approach the appropriate forum in accordance with law.

(Hiranmay Bhattacharyya, J.)