

05.04.2024
rc/ct.no.10
Item No.11

WPA No. 2710 of 2023
Prabir Kumar Mitra
Versus
The State of West Bengal & Ors.

Mr. Debrup Bhattacharjee
Ms. Rishika Goyal ...for the petitioner

Mr. Chandi Charan De
Mr. Aniban Sarkar ...for the State

Ms. Vineeta Meharia
Mr. Arjoon Mookerjee
Ms. Subika Paul ...for the respondent no.3

The petitioner has, inter alia, sought a declaration to the effect that the petrol pump situated at 7B, Belvedere Road, Kolkata 700 027 did not vest either under the Calcutta Thika Tenancy (Acquisition and Regulation) Act, 1981 or under the West Bengal Thika Tenancy (Acquisition and Regulation) Act, 2001.

Challenging the maintainability of the writ petition, learned counsel for the respondents places reliance on Section 2(r) of the West Bengal Land Reforms and Tenancy Tribunal Act, 1997 which demonstrates that the West Bengal Thika Tenancy (Acquisition and Regulation) Act, 2001 is a “specified Act”. She refers to Sections 6, 7 and 8 of the Act of 1997. It shall be useful to reproduce Section 8 of the West Bengal Land Reforms and Tenancy Tribunal Act, 1997.

“8.Exclusion of jurisdiction of courts- 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."

In the view of the above, this Court is inclined to hold that the writ petition seeking declaration to the effect that the petrol pump in question did not vest under the Calcutta Thika Tenancy (Acquisition and Regulation) Act, 1981 or West Bengal Thika Tenancy (Acquisition and Regulation) Act, 2001 is not maintainable before this Court.

WPA No. 2710 of 2023 is, therefore, dismissed on the ground of maintainability.

However, liberty is granted to the petitioner to approach the appropriate forum for redressal of his grievance.

There shall, however, be no order as to costs.

Urgent certified website copy of this order, if applied for, be furnished to the parties upon compliance of necessary formalities.

(Suvra Ghosh,J)

