

Sl.7
13.01.2026
Court No.19
BP

WPA 211 of 2026

Badartala Madhyamik Balika Vidyamandir & Anr.
-versus-
The Principal Secretary, Land & Land Reforms and
Refugee Relief & Rehabilitation Department,
Government of West Bengal & Ors.

Mr. Debajyoti Basu, Sr. Advocate
Mr. Triptimoy Talukdar
Mr. Aditya Chakraborty
Mr. Abir Bhattacharya
..for the petitioners.

Mr. Abhratosh Majumdar, Sr. Advocate
Mr. Srijib Chakraborty
Mr. Dipanjan Dutt
Mr. W.A. Dafadar
..for the opposite party no.12

Mr. Chandi Charan De, Ld. Add. Govt. Pleader
Ms. Saswati Chatterjee
..for the State

Mr. Nilotpal Chatterjee
Mr. Suman Basu
..for the respondent nos. 13-15

When the learned advocate appearing for the petitioners was about to commence his argument, Mr. Majumdar, learned senior advocate appearing for the respondent no.12 raises an objection as to the maintainability of this writ petition.

By drawing the attention of the Court to the averments made in the writ petition; the grounds on which the instant writ petition has been filed and the reliefs claimed therein, Mr. Majumdar contends that the petitioners have sought to challenge the action of an authority under Section 4B(2) of the West Bengal Land

Reforms Act, 1955. Mr. Majumdar would contend that the West Bengal Estate Acquisition Act, 1953 as well as the West Bengal Land Reforms Act, 1955 being specified acts within the meaning of Section 2(r) of the West Bengal Land Reforms and Tenancy Tribunal Act, 1997, the West Bengal Land Reforms and Tenancy Tribunal is being vested with the power to decide the issues raised in this writ petition in view of the provision laid down under Section 6 of the West Bengal Land Reforms and Tenancy Tribunal Act. By referring to the provisions laid down under Section 7 read with Section 8 of the West Bengal Land Reforms and Tenancy Tribunal Act, 1997, Mr. Majumdar would contend that the jurisdiction of the Single Bench of the High Court under Article 226 of the Constitution of India has been excluded. By placing reliance the decision of the Constitution Bench of the Hon'ble Supreme Court in the case of L. Chandra Kumar Vs. Union of India and others reported at 1997 (3) SCC 261, Mr. Majumdar would contend that the jurisdiction of the High Court under Article 226 of the Constitution of India is excluded and, therefore, the Single Bench of the High Court should not entertain a challenge on the issues raised in this writ petition. Mr. Majumdar has also placed reliance upon the decision of the Hon'ble Supreme Court in the case of Asset Reconstruction Company (India) Limited Vs. S.P. Velayutham and others reported at

(2022) 8 SCC 210 in support of his contention against maintainability of the writ petition.

Mr. Basu, learned senior advocate appearing for the petitioners submits that the petitioners have in effect challenged the inaction on the part of the respondent authorities in not allotting a property in favour of a school as a play ground. He submits that the decision making process of the respondent authorities has been challenged in this writ petition and, therefore, the instant writ petition is maintainable.

However, to assist this Court on the points of objection raised by Mr. Majumdar against the maintainability of the instant writ petition, Mr. Basu prays for an accommodation to revert back with necessary instructions.

List this matter on 19th January, 2026 under the same heading.

(Hiranmay Bhattacharyya, J.)