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12.03.2020
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CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGUTI
APPELLATE JURISDICTION

W.P.A. 631 of 2020
Ashim Kumar Dutta & Ors.
Vs.
The State of West Bengal & Ors.

Mr. Rohit Agarwal.
... for the petitioner.

Mr. Debabrata Dhar
Ms. Paramita Sahu.
... for the State.

The petitioner has filed this writ application praying, inter alia, for a declaration that “Rules Regarding Management of Darjeeling Improvement Fund” published in the year 1928 by the Revenue Department, Government of Bengal is ultra vires the provisions of West Bengal Land Reforms Act, 1955 and West Bengal Estate Acquisition Act, 1953.

The State submits that the writ petition is not maintainable since the West Bengal Land Reforms and Tenancy Tribunal has the jurisdiction to decide such issue.

In view of the challenge made to the vires of the said Rules, the matter should be heard on exchange of affidavits.

Let affidavit-in-opposition be filed within a period of four weeks from date; reply thereto, if any, be filed two weeks thereafter.

List the writ petition six weeks hence.

The point of maintainability is kept open.

Urgent certified website copies of this order, if applied for, be made available to the parties upon compliance of the requisite formalities.

(Kausik Chanda, J.)