

Form No. J(2)

In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

Present: The Hon'ble Justice Sabyasachi Bhattacharyya
And
The Hon'ble Justice Supratim Bhattacharya

WPLRT 127 of 2026

Sri Sukumar Das and others
Vs.
The State of West Bengal and others

For the petitioners : Mr. Mukteswar Maity,
Ms. Manika Sarkar.
For the State : Ms. Koyeli Bhattacharyya .
Heard on : 14.07.2026
Judgment on : 14.07.2026

Sabyasachi Bhattacharyya, J.:-

1. Affidavit-of-service filed today be kept on record.
2. The present challenge has been preferred against an order whereby the West Bengal Land Reforms and Tenancy Tribunal has directed a proceeding under Section 49(2) of the West Bengal Land Reforms Act, 1955 to be taken to its logical conclusion.
3. Learned counsel for the petitioners argues that the petitioners approached the Tribunal with the grievance that a lease deed

executed in favour of third parties on September 07, 1998, on the premise of which the *patta* granted in favour of the petitioners is being sought to be cancelled, be set aside.

4. It is submitted that a representation dated September 23, 2019 has been filed by the petitioners before the concerned ADM and D.L. & L.R.O (Collector) for cancellation of the said lease deed, which is now pending. However, the learned Tribunal, without considering such fact and/or without directing such representation to be disposed of first, merely observed that the Section 49(2) notice should be taken to its conclusion.
5. Learned counsel places reliance on the said representation, annexed as Annexure-P6 to the present writ petition, and submits that the same ought to be decided first A.D.M. and D.L. & L.R.O., since it would have a direct bearing on the adjudication under Section 49(2) initiated by the impugned notice.
6. Learned counsel for the State opposes the petitioners' contentions and submits that the purported representation dated September 23, 2019 challenging the concerned lease deed was filed after issuance of the impugned notice dated July 03, 2019.
7. As such, it is argued that the said representation cannot be a deterrent for the SDO to conclude the proceeding initiated by the impugned notice.

8. Upon a perusal of the materials before us, we find that the State is justified in submitting that the representation dated September 23, 2019 itself was filed by the writ petitioners subsequent to the issuance of the notice dated July 03, 2019, which was, in effect, impugned before the Tribunal.
9. Thus, pendency of the said representation cannot vitiate the notice retrospectively. Even otherwise, the notice dated July 03, 2019 was issued in accordance with law, coming within the purview of Section 49 of the 1955 Act, and, as such, cannot be faulted on such count. Even otherwise, the notice was *prima facie* justified in view of the existence of a prior lease deed dated September 07, 1998, in the teeth of which the *patta* was granted in favour of the writ petitioners subsequently, in the year 2017-2018.
10. Hence, we do not find any scope of interference with the impugned order, whereby the learned Tribunal merely directed the proceeding under Section 49(2) to be concluded. Even otherwise, on the query of Court, the petitioners failed to apprise us as to under what provision the representation dated September 23, 2019 was given to the D.L. & L.R.O.
11. Taking into account the above factors, we are not inclined to interfere with the impugned order.
12. Accordingly, WPLRT 127 of 2026 is dismissed on contest, thereby affirming the impugned order dated March 19, 2026 passed by the

Third Bench of the West Bengal Land Reforms and Tenancy Tribunal
in O.A. 1464 of 2021.

13. There will be no order as to costs.
14. Urgent certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)

I agree.

(Supratim Bhattacharya, J.)