

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

Present:

The Hon'ble Justice Debangsu Basak

And

The Hon'ble Justice Md. Shabbar Rashidi

WPLRT 10 of 2024

Kamal Agarwal

Vs.

The State of West Bengal & Ors.

With

WPLRT 11 of 2024

Suraj Enterprise

Vs.

The State of West Bengal & Ors.

For the Petitioner in	: Mr. Amit Kr. Pan, Advocate
WPLRT 10 of 2024 and	Mrs. Tanusri Santra, Advocate
WPLRT 11 of 2024	Mr. Sounak Bhattacharjee, Advocate

For the State Respondents in	: Mr. T.M. Siddiqui, Ld. Sr. Advocate & Ld. AGP
WPLRT 10 of 2024	Mr. Supratim Dhar, Ld. Sr. Advocate
	Mr. Suddhaded Adak, Advocate

For the State Respondents in	: Mr. Somnath Ganguli, Ld. Sr. Advocate & Ld. AGP
WPLRT 11 of 2024	Mr. Priyabrata Ghosh, Advocate

For the Respondent nos.6 to 8:	Mr. Avishek Prasad, Advocate
in WPLRT 10 of 2024 and	Mr. Sourodeep Singha, Advocate
WPLRT 11 of 2024	

Heard & Judgment on : April 30, 2025

DEBANGSU BASAK, J.:-

1. Two writ petitions are taken up for analogous hearing as the issues involved are similar.
2. WPLRT 10 of 2024 is directed against order dated October 5, 2023 passed in O.A. 2741 of 2018 (LRTT) by the West Bengal Land Reforms and Tenancy Tribunal while, WPLRT 11 of 2024 is directed against order dated October 5, 2023 passed in O.A. 2741 of 2018 (LRTT).
3. Petitioners in the two writ petitions before us claim right, title and interest in respect of two immovable properties.
4. Apparently, there are title disputes between the petitioners and the private respondents in respect of all the plots of land involved. Last admitted entry in the record of rights apparently is dated April 30, 2013. Disputes emanates thereafter.
5. Learned Tribunal by the impugned order, noted the title disputes amongst the private parties and directed that, the authorities should await the decision in the civil suits, if any filed. Learned Tribunal also directed restoration of the name of the original owner in respect of the plots involved, in the record of rights.
6. We agree with the findings of the learned Tribunal that, there are title disputes between the private parties. One of the private parties claim title by virtue of a registered deed of 1980 while the others claim

through deeds executed in 2013. These civil disputes as rightly held by the Tribunal ought to be decided by an appropriate civil court.

7. Till such disputes are settled, the admitted position between the parties is a record of right standing as on April 30, 2013 in respect of both the plots. Learned Tribunal directed the record of rights to be in the name of the original vendor. We are, however, unable to agree with such direction in view of the fact that, the admitted position was on April 30, 2013 which is subsequent to one of the deeds of sale of 1980. Consequently, we direct the authorities to maintain the record of rights in respect of the authorities concerned as obtaining on April 30, 2013. We set aside all decisions of the authorities with regard thereto, contrary to this direction. We uphold the liberty granted by the learned Tribunal for the private parties to avail of their remedies before the appropriate civil court. Once such disputes are settled, the parties may approach the authorities for appropriate relief.
8. **WPLRT 10 of 2024** and **WPLRT 11 of 2024** are disposed of without any order as to costs.

(Debangsu Basak, J.)

9. I agree.

(AD)

(Md. Shabbar Rashidi, J.)