

**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/23/2024

***ALPINE DISTILLERIES PVT. LTD.
VS
THE STATE OF WEST BENGAL AND ORS.***

For the Appellant : Mr. Saptansu Basu, Id. Sr. Adv.
Mr. Ayan Banerjee,
Ms. Debasree Dhamali,
Ms. Riya Ghosh, Advocates

For the State : Mr. T. M. Siddiqui, AGP
Mr. Supratim Dhar,
Mr. S Adak,
Ms. Debdooti Dutta, Advocates

Heard and judgment on : June 12, 2025

DEBANGSU BASAK, J.

1. Writ petition is directed against an order dated June 26, 2023 passed in MA 749 of 2023 (OA 2000 of 2023) of (LRTT).
2. Learned advocate appearing for the petitioner submits that, writ petitioner sought two-fold interim protection before the learned tribunal. The first was with regard to possession of the land in question and the second was with regard to the change in the record of rights. He submits that the writ petitioner is in possession of the land in question and, therefore, the record of rights should not be changed.

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3. Learned advocate appearing for the writ petitioner submits that, there is a running factory of the petitioner on the land concerned. Therefore, change in the status of the land in the record of rights will prejudicially affect the writ petitioner.
4. Learned advocate appearing for the writ petitioner draws the attention of the Court to the orders passed in earlier proceedings. He submits that, the High Court in WPLRT 29 of 2022 by an order dated March 16, 2022 granted interim protection with regard to the correction of record of rights. He submits that, the State preferred a Special Leave Petition directed against such order. Such Special Leave Petition was disposed of by an order dated October 17, 2022 by which, the order of the High Court dated March 16, 2022 was not interfered with. He submits that, subsequently, in another writ petition being WPLRT 127 of 2022, the High Court by an order dated October 31, 2022 clarified that, the writ petitioner will be entitled to obtain interim protection.
5. State is represented.
6. In the facts of the present case, proceeding under Section 14T(3) of the Land Reforms Act, 1955 was initiated as against the writ petitioner for determination of surplus land, if any, held by the writ petitioner. From time to time, the writ petitioner assailed such proceedings at diverse stages. The present challenge is in respect of an order passed by the learned tribunal dealing with an application for condonation of delay and the prayer for interim relief.
7. Writ petitioner suffered orders adverse to it in the proceedings under Section 14T(3) of the Act of 1955. The prescribed authority under the Act of 1955 found the writ petitioner to be holding surplus land, in the proceeding under Section 14T(3) of the Act of 1955. Writ petitioner preferred an appeal therefrom which was dismissed. The order of the

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appellate authority, was sought to be challenged by the writ petitioner by OA 2000 of 2023 albeit with a delay.

8. Application for condonation of delay being MA 749 of 2023 was allowed by the impugned order. Learned tribunal also, granted interim protection to the extent of possession of the writ petitioner so far as the subject land is concerned. Learned tribunal did not pass any order relating to the record of rights.
9. The impugned order is dated June 26, 2023. Writ petitioner applied for certified copy of the impugned order on July 21, 2023 and obtained the certified copy on August 2, 2023.
10. The writ petition was affirmed on February 13, 2024.
11. In the writ petition, there is no explanation for the delay in moving the High Court for further interim protection.
12. Contention of the writ petitioner is that, the co-ordinate Bench was considering the writ petition and passed an order dated March 6, 2025 permitting the writ petitioner to file supplementary affidavit. Co-ordinate Bench, however, did not grant any interim protection as prayed for by the writ petitioner.
13. We are not convinced with the contention with regard to the delay in approaching the High Court against the order dated June 26, 2023. As noted above, the writ petitioner before us suffered adverse orders passed both by the prescribed authority as also by the appellate authority, in proceedings under Section 14T(3) of the Act of 1955.
14. High Court in the earlier round of litigation by an order dated March 16, 2022 protected the writ petitioner so far as the corrections of the record of rights are concerned. Special Leave Petition directed against such order was disposed of on October 17, 2022 where, it was observed that, in the event, State finally succeeded in getting the part

of the land declared surplus, such land shall immediately be mutated in favour of the State.

15. Order of the writ Court passed in WPLRT 29 of 2022 dated March 16, 2022 was at a stage where, the notice dated March 11, 2022 issued by the prescribed authority under Section 14T(3) of the Act of 1955 was under challenge. Supreme Court also was concerned with stage of a notice under Section 14T(3) of the Act of 1955. Thereafter, both the prescribed authority and the appellate authority, found land surplus to that of the writ petitioner.
16. There is a material change in status of the writ petitioner vis-a-vis the land consequent upon the decisions of the prescribed authority as upheld by the appellate authority.
17. Moreover, Supreme Court in its order dated October 17, 2022 observed that, in case, the State finally succeeds in getting the part of the land declared surplus, such land shall immediately be mutated in favour of the State.
18. Decision of the prescribed authority and the appellate authority are under challenge in the original application which resulted in the impugned order.
19. At this stage, we are of the view that, the writ petitioner is unable to make out a *prima facie case* for grant of interim relief, consequent to the adverse findings to the writ petitioner in the proceeding under Section 14T(3) of the Act of 1955 and the issue of delay in filing the writ petition coupled with the observations made by the Supreme Court in its order dated October 17, 2022.
20. In such circumstances, we find no ground to interfere with the order impugned.

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21. WPLRT/23/2024 is **dismissed** without any order as to costs.

(Debangsu Basak, J.)

22. I agree.

(Md. Shabbar Rashidi, J.)

[Dd]