

14
13.05.2025
S.D.
Ct. No. 26

W.P.L.R.T. 60 of 2025

Akmal Ahmed
Vs.
The State of West Bengal & Ors.

Mr. Mrinal Kanti Ghosh
Mr. Jayanta Dey
...For the Petitioner

Md. Sarwar Jahan
Mr. Sujan Das
Mr. Binay Shaw
Ms. Tapati Sarkar
...For the Respondent Nos. 5 & 11
Mr. Sk. Md. Galib, Sr. Govt. Adv.,
Mr. Alok Banerjee
...For the State

Writ petition is directed against an order dated February 27, 2025 passed by the West Bengal Land Reforms Tenancy Tribunal in O.A. No. 2124 of 2021 (LRTT).

Materials placed on records establish that the private parties litigated with regard to the immovable property concerned before a Civil Court. A Title Suit No. 23 of 1962 was filed which declared the right, title and interest in respect of the private respondents before us in respect of the immovable property concerned.

Government records must, therefore, be in tune with the declaration of right, title and interest of the private respondents in respect of the immovable property concerned in terms of the decree passed in T.S. No. 23 of 1962 as upheld in Second Appeal No. 1880 of 1965.

All Government documents which are contrary to such decree passed in T.S. No. 23 of 1962 as affirmed right upto the Second Appeal stage being S.A. No. 1880 of 1965 are nullity and are declared to be so.

Writ petitioner herein claim to be in possession of the immovable property concerned and is seeking to rework such conclusive decree passed between the private parties. The proceedings resulting in the present writ petition are instruments to such effect.

There is also another Title Suit filed by the private respondents being T.S. No. 45 of 2019. In such title suit, the private respondents are seeking declaration of possession to the immovable property concerned.

Title to the immovable property between the private parties was declared in T.S. No. 23 of 1962 and the same was upheld in Second Appeal No. 1880 of 1965. Moreover, T.S. No. 45 of 2019 is yet to be finally decreed.

In such circumstances, we find no merit in the present writ petition.

W.P.L.R.T. 60 of 2025 is dismissed without any order as to costs.

We clarify that we do not enter into the merits of the pending title suit in whatsoever manner.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)