

**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 76 of 2025

Sri Shyamapada Roy

Vs.

The State of West Bengal & Ors.

For the Petitioner : Mr. Raghunath Chakraborty, Advocate
Mr. Supratik Shyamal, Advocate
Ms. Sonali Ghosh Basu, Advocate

For the State respondents : Mr. Sk. Md. Galib, Ld. Sr. Govt. Advocate
Ms. Priyamvada Singh, Advocate

Hearing & Judgment on : June 11, 2025

DEBANGSU BASAK, J.:-

1. Writ petition is directed against an order dated March 6, 2025 passed by the West Bengal Land Reforms and Tenancy Tribunal in O.A. No.3525 of 2013 (LRTT).

2. By the impugned order, learned Tribunal upheld the order dated June 20, 2013 passed by the appellate authority in Appeal Case No.56 of 2008 affirming the order of the prescribed authority dated September 29, 1997 passed in a proceeding under Section 14T(3) of the West Bengal Land Reforms Act, 1955.
3. Learned Advocate appearing for the writ petitioner submits that, in a writ petition relating to an acquisition proceeding, the High Court passed an order dated August 13, 2001 directing compensation to be paid. He submits that, a contempt proceedings was also initiated. He submits that, since the order passed by the Writ Court is binding upon the State and since the Writ Court directed payment of compensation, the State must pay the same.
4. Learned Advocate appearing for the writ petitioner relies upon **(2011) 3 Supreme Court Cases 573 (RBF RIG Corporation, Mumbai vs. Commissioner of Customs (Imports), Mumbai), (2015) 1 Supreme Court Cases 347 (State of Uttar Pradesh and Others vs. Arvind Kumar Srivastava and Others), (2005) 7 Supreme Court Cases 190 (Ishwar Dutt vs. Land Acquisition Collector and Another) and (2007) 7 Supreme Court Cases 689 (Commissioner, Karnataka Housing Board vs. C. Muddaiah)** in support of his contention that orders passed by a Court are binding on the parties.
5. Without prejudice to the first limb of contention and in the alternative, learned Advocate appearing for the writ petitioner submits that, the

father of the writ petitioner was a bargadar in respect of Plot No.668. On the demise of the father of the writ petitioner, the right of bargadar stood vested in the writ petitioner. He submits that, the writ petitioner purchased Plot No.668 by a registered deed of conveyance dated August 29, 1995.

6. Learned Advocate appearing for the writ petitioner submits that, a proceeding under Section 14T(3) of the Act of 1955 were purported to be initiated in respect of the plot concerned. He submits that, no notice of such proceeding was served upon the writ petitioner. As the owner the writ petitioner was entitled to notice of the proceeding under Section 14T(3) of the Act of 1955. He refers to the orders passed by the prescribed authority and submits that attempt to serve the raiyat was made under Certificate of Posting. He submits that, service under Certificate of Posting should not be accepted. In support of such contention, he relies upon **(2006) 1 Supreme Court Cases 407 (State of Maharashtra vs. Rashid B. Mulani)**, unreported decision of the Coordinate Bench dated **February 21, 2024 passed in FMA 657 of 2022 (Swapan Kumar Ghosh vs. The Kolkata Municipal Corporation & Ors.)**, **(2003) 3 Supreme Court Cases 472 (Chief Conservator of Forests, Govt. of A.P. vs. Collector and Others)** and **(2015) 1 Supreme Court Cases 347 (State of Uttar Pradesh and Others vs. Arvind Kumar Srivastava and Others)**.

7. Learned Advocate appearing for the writ petitioner submits that, the vires of Section 14T(3) of the Act of 1955 was challenged before the High Court and that the same was struck down. An appeal is pending before the Hon'ble Supreme Court. In such circumstances, he submits that, proceedings under Section 14T(3) of the Act of 1955 as against the writ petitioner is not maintainable.
8. Learned Advocate appearing for the State submits that, the Hon'ble Supreme Court clarified subsequently that, pendency of the appeal before the Hon'ble Supreme Court will not prevent the State from initiating proceedings under Section 14T(3) of the Act of 1955. He submits that, in the facts and circumstances of the present case, land of the vendor of the writ petitioner stood vested with the State. Therefore, payment of compensation for the so-called acquisition cannot be made. State cannot be made to pay compensation for acquiring land which stands vested with the State. He refers to the record of rights and submits that Plot No.668 is recorded to be vested with the State. Moreover, he submits that, the writ petitioner did not inform the authorities of the death of the bargadar recorded in the record of rights for substitution of such bargadar. Furthermore, writ petitioner did not apply for mutation subsequent to his purchase. He submits that, the orders of the prescribed authority as well as that of the appellate authority including the impugned order should not be interfered with.

9. At the outset, we invited the learned Advocate appearing for the writ petitioner to demonstrate the quantum of land that the vendor of the writ petitioner held as on the date of purchase by him, so as to ascertain whether or not the plot purchased by the writ petitioner stood vested with the State.
10. In response to such query of the Court, learned Advocate appearing for the writ petitioner sought further time.
11. Writ petition is directed against an order of the Tribunal upholding the concurrent finding of the prescribed authority and the appellate authority in a proceeding under Section 14T(3) of the Act of 1955. Section 14T(3) of the Act of 1955 allows the State to revise the quantum of land held by a raiyat in given circumstances. Obviously, the revision of quantum of retention is on the basis of the land held by the raiyat at a given point of time. As noted above, by the impugned order, Tribunal upheld the concurrent finding of the prescribed authority and the appellate authority on the issue. It is for the writ petitioner to establish that such findings are perverse. Materials therefore should be on record at this stage on the issue of Section 14T(3).
12. Viewed in such perspective, the plea of adjournment is to delay the hearing and is disallowed.
13. In the facts and circumstances of the present case, the writ petitioner claims right over Plot No.668 as an owner by virtue of a registered deed

of purchase and a bargadar as the heir and legal representative of the recorded bargadar.

14. Records produced made available in Court through the informal paper book filed in Court as directed by our earlier order demonstrates that, Plot No.668 over which the writ petitioner claims title as owner by virtue of registered deed of conveyance dated August 29, 1995 stood vested with the State prior to his purchase. Such records are not established to be perverse or incorrect.
15. Father of the writ petitioner was recorded as a bargadar in respect of Plot No.668. Records demonstrate that, the writ petitioner did not apply for substitution of the deceased bargadar in the record of rights. There is a finding returned by the appellate authority by its order dated June 20, 2013 that, the recorded bargadar passed away long before the proceedings under Section 14T(3) were started and that no steps were taken by the legal heirs of the recorded bargadar to substitute the name of the deceased bargadar. Appellate authority also noted that, no prayer was made on behalf of the writ petitioner under Section 15A of the West Bengal Land Reforms Act within the statutory time to enforce the right of a legal heir of a bargadar. Appellate authority also returned a finding that, on the lapse of the statutory period, the substitution failed and, therefore, the cultivatory possession of the writ petitioner as a bargadar over the plot concerned ceased to exist with the death of the recorded bargadar and that no benefit accrued in

favour of the writ petitioner under Section 14S(3) of the Act of 1955.

This finding of the appellate authority is not established to be perverse.

16. So far as right, title and interest through the recorded bargadar is concerned, as noted above, the order of the appellate authority dated June 20, 2013 is not established to be perverse. Therefore, right as a bargadar ceased so far as the writ petitioner is concerned over Plot No.668. So far as the ownership is concerned, Plot No.668 was recorded in the record of rights as standing vested with the State prior to the purchase.
17. Writ petitioner is unable to establish that, the vendor from whom the writ petitioner purchased Plot No.668 was within the ceiling limit available to such vendor so far such plot is concerned.
18. Proceedings under Section 14T(3) of the Act of 1955 were initiated in respect of Plot No.668. The prescribed authority sought to serve the recorded raiyat under Certificate of Posting and through Special Messenger. Prescribed authority returned finding that the recorded raiyat could not be found even by the Special Messenger.
19. As noted above, writ petitioner did not apply for mutation and was not the recorded owner in respect of Plot No.668 when the proceedings under Section 14T(3) of the Act of 1955 were undertaken by the prescribed authority. In any event, the writ petitioner was aware of the Section 14T(3) proceedings as he preferred an appeal from the order of the prescribed authority. Appellate authority concurred with the

prescribed authority after hearing the writ petitioner in his appeal. Writ petitioner is unable to establish prejudice by the alleged lack of notice of the initiation of Section 14T(3) proceedings.

20. It is trite law that, breach of principles of natural justice is not to be mechanically or pedantically applied. Person alleging breach must establish prejudice for its successful invocation. In the present case, writ petitioner failed to establish any prejudice.
21. So far as service on the writ petitioner is concerned through under Certificate of Posting or special messenger is concerned, the prescribed authority not being aware of the right of the writ petitioner as claimed before us, did not proceed to serve the writ petitioner. In such circumstances, the ratio laid in **Rashid B. Mulani** (*supra*), **Swapan Kumar Ghosh** (*supra*), **Chief Conservator of Forests, Govt. of A.P** (*supra*) and **Arvind Kumar Srivastava and Others** (*supra*) are not attracted.
22. It is trite law that, 14T(3) proceedings can be initiated at any stage at any time by the State authority subject to the compliance of the requirements under such sub-section.
23. In the facts and circumstances of the present case, such proceedings were initiated. Again, as noted above, the writ petitioner is unable to establish that, the vendor of the writ petitioner held land or at least Plot No.668 was within the ceiling limit prescribed. In absence of such material being placed on record and, in fact, since the preponderance

of probabilities including the record of rights in respect of Plot No.668 suggests that, such plot stood vested with the State, we are not in a position to interfere with the concurrent findings either of the prescribed authority or of the appellate authority or of the impugned order in any manner whatsoever.

24. ***RBF RIG Corporation, Mumbai*** (*supra*) speaks of binding nature of a direction. In the facts and circumstances of the present case, a Writ Court directed payment of compensation for land which is subsequently found to be stood vested with the State. Question, therefore, of payment of compensation in an acquisition proceedings in respect of land which stands vested with the State does not arise. In any event, the prayers in the original application before the learned Tribunal relates to setting aside of orders passed in proceedings under Section 14T(3) of the Act of 1955 and not with regard to any acquisition proceedings.
25. ***Arvind Kumar Srivastava and Others*** (*supra*) discusses the issue of parity and exceptions thereto in the context of an entitlement to benefit of judgment *in rem* passed in proceedings are qua service benefits. In the facts and circumstances of the present case, the Writ Court's order relied upon by the writ petitioner cannot be said to be a judgment *in rem*.
26. Issue of *res judicata* is not attracted in the facts and circumstances of the present case, as laid down in ***Ishwar Dutt*** (*supra*). As noted above,

in the proceedings under Section 14T(3) the prescribed authority passed an order dated September 29, 1997 which is prior to the order of the Writ Court. Proceedings under Section 14T(3) of the Act of 1955 were initiated in 1997 which is prior to the order passed by the Writ Court. Foundational basis for direction of payment of compensation no longer remains with decision rendered in proceeding under Section 14T(3) of the Act of 1955. Writ Court in acquisition proceeding did not decide the issues involved in a proceeding under Section 14T(3) of the Act of 1955.

27. **C. Muddaiah** (*supra*) holds that, a direction issued by a competent Court is to be implemented without any reservation. In the facts and circumstances of the present case, in a duly instituted proceedings, it is found that, the writ petitioner before us, does not possess any right, title and interest in respect of Plot No.668.
28. In view of the discussions above, we do not find any merit in the present writ petition.
29. **WPLRT 76 of 2025** is **dismissed** without any order as to costs.

(Debangsu Basak, J.)

30. I agree.

(Md. Shabbar Rashidi, J.)