

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 Uday Kumar

WPLRT 334 of 2007
IA No: CAN 5 of 2025

Sri Biswajit Das and others
Vs.
State of West Bengal and others

For the petitioners	:	Mr. S.P. Pahari, Mr. A. Pradhan, Mr. T.K. Mahapatra
For the State	:	Mr. Sk. Md. Galib, Ld. Sr. Govt. Adv., Ms. Alok Banerjee
For the applicants	:	Mr. Rudranil De, Mr. Soumo Charan, Mr. Anubhab Samanta, Ms. Sritama Sadhukhan
Heard on	:	11.09.2025
Judgment on	:	11.09.2025

Sabyasachi Bhattacharyya, J.:-

Re: CAN 5 of 2025

1. Learned counsel for the applicants in the addition of party application submits that initially the property-in-question, belonging to the writ petitioners, vested in the State under the West Bengal Estates Acquisition Act, 1953 (for short "the 1953 Act"). Subsequently, such

vesting was challenged by the writ petitioners before this Court. Initially a Rule was issued in respect of the challenge against the order of vesting. Subsequently, by an order dated July 29, 1977, the Rule was made absolute and it was observed further that it will not prejudice the respondents from considering the necessary B-Form and return in Form 1 which had admittedly been filed by the writ petitioners and furthermore the respondents would be at liberty to proceed after the disposal of the matter in the matter of having the lands vested in accordance with law, namely after due service of notice and hearing the petitioner.

2. Subsequently, the proceeding went on and an expeditious hearing of the same was sought before the Tribunal. Ultimately, a fresh order was passed in terms of the order of this Court. Be that as it may, before any fresh order of vesting was passed, the present applicants purchased the property in the interregnum.
3. Thus, technically, on the date on which the purchase took place, that is, in the years 1978 and 1979, the property did not stand vested in the State. Accordingly, the applicants have acquired valuable right in the property in the interregnum and such rights shall be directly affected by the outcome of the present writ petition.
4. Hence, we are of the opinion that the applicants in CAN 5 of 2025 have made out sufficient case for being impleaded as party-respondents to the present application.

5. Accordingly, CAN 5 of 2025 is allowed, thereby impleading the applicants therein as party respondents to the present writ petition.
6. There will be no order as to costs.
7. The necessary consequential corrections to the cause title of the writ petition shall be carried out by the learned Advocate-on-record for the writ petitioners during the course of the day.

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8. The main writ petition is now taken up for hearing.
9. The present challenge has been preferred against an order whereby the West Bengal Land Reforms and Tenancy Tribunal has rejected an original application filed by the writ petitioners, whereby the *locus standi* of the Block Land and Land Reforms Officer (Revenue Officer) to prefer an appeal on behalf of the State against an order passed by the Revenue Officer himself has been challenged.
10. Learned counsel appearing for the writ petitioners and the added parties submit that it would give rise to judicial anarchy if a Revenue Officer, who passes an order under the provisions of the West Bengal Estates Acquisition Act, 1953 (for short “the 1953 Act”), challenges his own order, thereby deeming himself to be an aggrieved party.
11. Learned Senior Government Advocate seeks to defend the action of the State in designating the Revenue Officer (B.L. & L.R.O) as the person authorised to prefer the appeal on behalf of the State. Learned Senior Government Advocate takes us through the provisions of

Section 4 of the 1953 Act which provides that the State Government may from time to time by notification make the declaration with regard to vesting of an estate.

12. Learned Senior Government Advocate also takes us through the concerned notification whereby the Governor, for the State, issued such notification in respect of the lands-in-question. It is submitted that the appeal was preferred under Section 57 B (4) of the 1953 Act by the State. The present incumbent in the post of the Revenue Officer, who had not passed the initial order, was merely the authorised representative of the State and acted in such capacity alone. The appeal was preferred by the State and not by the Revenue Officer (BL & LRO) in his personal capacity.
13. However, there is palpable absurdity in such argument of the State.
14. The office of a particular authority under a particular statute does not change its character merely by a new individual assuming office in place of the earlier incumbent. The Act stipulates that it is the Revenue Officer who has to make an adjudication within the contemplation of Section 57 B (2) (b) of the 1953 Act. The Revenue Officer is a post, irrespective of the individual manning it.
15. Thus, the argument of the State that the current Revenue Officer who preferred the appeal on behalf of the State is a different individual than the one who passed the vesting order under challenge in the appeal, cannot be accepted. Fact remains that it is the BL & LRO who has preferred the appeal against an order passed by the BL & LRO.

16. Section 57B (4) stipulates that “any person aggrieved” may prefer an appeal against an adjudication under sub-section (3) of Section 57B.
17. It would cause judicial anarchy and hierarchical chaos if an adjudicating officer, under the aegis of the statute, makes an adjudication and simultaneously feels himself aggrieved by such order and prefers a challenge against the same. By such challenge, in effect a power of review is incorporated into the statute which is otherwise not there.
18. In the present case, the appeal was preferred in the name of the State of West Bengal. However, the State is relegated merely to a name-lender in view of the ground reality that the affidavit in support of such appeal was affirmed by the B.L. & L.R.O, who holds the office of the Revenue Officer, who adjudicated the order impugned in the appeal itself. The change of hats by the Revenue Officer, by conveniently representing himself as the representative of the State, vitiates the very premise of the adjudication process contemplated under the 1953 Act and imparts an element of palpable bias to such adjudication.
19. Moreover, the confidence reposed on the Revenue Officer by the legislature in entrusting him/her to make an adjudication incorporates an element of neutrality of the said officer. Thus, the Revenue Officer, who himself/herself passes the order cannot be equated with a “person aggrieved” with such order within the contemplation of Section 57B (4) of the 1953 Act.

20. It is most unfortunate that the State resorted to such practice by taking an affidavit from the current Revenue Officer himself in preferring a challenge on its behalf against an order passed by the Revenue Officer.
21. Thus, the appeal, in its present form, is palpably not maintainable.
22. Hence, the learned Tribunal patently erred in law in turning down the challenge to the *locus standi* of the B.L. & L.R.O in affirming the affidavit on behalf of the State/appellant in connection with the appeal.
23. Accordingly, WPLRT 334 of 2007 is allowed on contest, thereby setting aside the impugned order dated April 17, 2007 passed by the Second Bench, West Bengal Land Reforms and Tenancy Tribunal in OA 1084/07 (LRTT) and dismissing the appeal preferred by the State with the Revenue Officer (B.L. & L.R.O) as the person affirming the appeal, bearing Appeal No. 101(T)/2006, on behalf of the State.
24. It is made clear that in view of the long pendency of the present writ petition, the principles of Section 14 of the Limitation Act would be applicable if a fresh appeal is preferred by the State against the order impugned in the said appeal, that is, Appeal No. 101(T)/2006.
25. Nothing in this order shall preclude the State from preferring a fresh appeal within a reasonable period from this date, without involving the BL & LRO in any manner in the filing or conduct of such appeal. If so preferred, the same will be decided independently of the present

order and in accordance with law, upon giving opportunity of hearing to all concerned.

26. There will be no order as to costs.
27. Urgent photostat 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.

(Uday Kumar, J.)