

Form No. J (2)

**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

W.P.L.R.T. 82 of 2025

Parimal Dhali

Vs.

The State of West Bengal & Ors.

For the Petitioner : Mr. Lakshminath Bhattacharjee, Advocate
Mr. Dipam Mazumder, Advocate

For the State : Mr. Lalit Mohan Mahata, Ld. A.G.P.
Mr. Prasanta Behari Mahata, Advocate

For the
Respondent No.4 : Mr. Radhasyam Maiti, Advocate

Heard on : 17.06.2025

Judgment on : 17.06.2025

DEBANGSU BASAK, J.:-

1. Writ petition is at the behest of a private respondent in O.A. 2992 of 2024 (LRTT) passed by the West Bengal Land Reforms and Tenancy Tribunal.

2. By the impugned order, learned Tribunal directed the concerned Block Land & Land Reforms Officer to dispose of the representation made by the private respondent herein within the time period framed in such order.
3. Learned advocate appearing for the writ petitioner submits that, copy of the Original Application before the learned Tribunal was not served upon his client. Impugned order was passed ex parte.
4. Learned advocate appearing for the writ petitioner submits that, by the impugned order, learned Tribunal directed concerned Block Land & Land Reforms Officer to consider and dispose of the representation made by the private respondent. He submits that, although, the writ petitioner and the private respondent are brothers and they inherited shares of the deceased father, there are family arrangements between the heirs and legal representatives of the deceased father, by virtue of which, private respondent gave up a portion of the immovable property concerned for other benefits. He submits that, the concerned Block Land & Land Reforms Officer corrected the record of rights after demise of the father of the writ petitioner and the private respondent.
5. Learned advocate appearing for the writ petitioner submits that, as the order of the B.L. & L.R.O is appealable, it should not be permitted to be revisited either suo motu or on an application by the private respondent herein.
6. State and the private respondent are represented.

7. Breach of principles of natural justice is not to be applied routinely, mechanically or pedantically. Person alleging the breach of principles of natural justice must not only establish such breach but the resultant prejudice being caused by reason of such breach.
8. In the facts and circumstances of the present case, the private respondent applied for correction of the record of rights before the concerned Block Land & Land Reforms Officer. Being aggrieved by inaction of the concerned Block Land & Land Reforms Officer is not disposing of the application for correction of the record of rights, private respondent approached the learned Tribunal by way of O.A.2992 of 2024 (LRTT). Learned Tribunal directed the concerned Block Land & Land Reforms Officer to consider and dispose of such representation within a specified period of time.
9. In our view, this direction contained in the impugned order of the learned Tribunal does not cause any prejudice to the writ petitioner before us, assuming that, there is a breach of principles of natural justice. It is, however, submitted on behalf of the private respondent that, the copy of the Original Application before the Tribunal was served upon the writ petitioner and that, despite service the writ petitioner did not appear.
10. Be that as it may, since, we are of the view that order impugned does not cause any prejudice to the writ petitioner before us, we are not inclined to interfere with the impugned order on the ground of breach of principles of natural justice.

11. Availability of an Appellate Authority in respect of an order passed by the concerned Block Land & Land Reforms Officer does not preclude the concerned Block Land & Land Reforms Officer from revisiting his order on materials being produced before it to do so. In the facts of the present case, there is an application for correction of the record of rights before the concerned Block Land & Land Reforms Officer. The point sought to be canvassed by the writ petitioner herein that, the private respondent does not possess any right higher or better than one disclosed in the corrected record of rights in respect of the immovable property concerned, is required to be considered and decided upon by the concerned Block Land & Land Reforms Officer.
12. The issue sought to rise is that the record of rights corrected subsequent to the death of the father of the writ petitioner and the private respondent does not reflect the true and correct entitlement of the private parties consequent to the death of the father of the contesting private parties. The concerned Block Land and Land Reforms Officer is now faced with an application for correction of the record of rights which it is required to decide upon.
13. Learned Tribunal rightly directed the concerned Block Land and Land Reforms Officer to decide the same.
14. In such circumstances, we do not find any material irregularity with the impugned order requiring our interference.

15. **W.P.L.R.T. 82 of 2025** is **disposed of** without any order as to costs.

(Debangsu Basak, J.)

16. I agree.

(Md. Shabbar Rashidi, J.)