

**IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE**

Present:

The Hon'ble Justice Debangsu Basak

And

The Hon'ble Justice Md. Shabbar Rashidi

RVW 155 of 2025

with

IA No.: CAN 1 of 2025

With

IA No.: CAN 2 of 2025

State of West Bengal & Ors.

Vs.

Shyamal Banerjee

in

WPLRT 35 of 2023

Shyamal Banerjee

Vs.

The State of West Bengal & Ors.

For the State-Applicants

: Mr. Mrinal Kanti Ghosh, Advocate
Ms. Debducti Dutta, Advocate

For the Writ petitioner/Respondent : Mr. Supratim Dhar, Ld. Sr. Advocate

Mr. Bratin Dey, Advocate

Mr. Kunal Ganguly, Advocate

Mr. Tirupati Mukherjee, Advocate

Hearing & Judgment on

: September 3, 2025

MD. SHABBAR RASHIDI, J.:-

1. IA No.: CAN 1 of 2025 is an application for condonation of delay.

2. In view of the report of the Additional Stamp Reporter dated June 19, 2025, no order need be passed in the application for IA No.: CAN 1 of 2025 seeking condonation of delay and the same is disposed of accordingly.
3. The review application is directed against an order dated August 3, 2023 passed in WPLRT 35 of 2023.
4. By the order under review, we set aside the impugned order passed by the Tribunal dated January 16, 2023 as well as the order of the concerned Block Land & Land Reforms Officer dated June 14, 2018 and directed the concerned Block Land & Land Reforms Officer to record the name of the writ petitioner as the owner in respect of Plot No.9077 involving 87 decimals of Mouza-Nandudara.
5. It has been submitted on behalf of the review applicants that while passing the order under review, this Court committed an error apparent on the face of the record by holding that the subject land belonged to a private respondent though it was recorded in the name of a deity and it was not the personal property of the concerned raiyat, namely, Anadi Prasad Bandopadhyay.
6. It is also contended on behalf of the review applicants that there was another error apparent on the face of the record while passing the order under review, it was taken into consideration that a khanda khatian in respect of the land in question was opened in the name of

said Anadi Prasad Bandopadhyay without any legal basis. It is also contended that the order under review takes into consideration that the land in question was treated as personal property of the raiyat Anadi Prasad Bandopadhyay though it belonged to the deity.

7. Anadi Prasad Bandopadhyay, the predecessor-in-interest of the writ petitioner held several landed properties as an intermediary. After the promulgation of the West Bengal Estates Acquisition Act, 1953, the said Anadi Prasad Bandopadhyay submitted Form-B to retain the land held by him to the extent of 5.90 acres and 0.35 acres. Later on, the writ petitioner approached the Block Land & Land Reforms Officer on the pretext that the Form-B submitted by his grandfather was well below the maximum limit of land retained by an individual. He prayed for submission of fresh Form-B to include his land within the prescribed limits. Such application being not considered by the concerned Block Land & Land Reforms Officer, the writ petitioner approached the West Bengal Land Reforms and Tenancy Tribunal by an original application.
8. By the order passed on the said original application, the Block Land & Land Reforms Officer was directed to consider and dispose of the application filed by the writ petitioner. Subsequently, the concerned Block Land & Land Reforms Officer considered the representation filed on behalf of the writ petitioner and rejected the same. Challenging

- such rejection of his representation, the writ petitioner again preferred another original application before the West Bengal Land Reforms and Tenancy Tribunal which ended in a rejection. Challenging the order being passed in such original application, the writ petitioner came up before the High Court with WPLRT 35 of 2023. The writ petition being WPLRT 35 of 2023 ended in the impugned order by which the Block Land & Land Reforms Officer was directed to record Plot No.9077 in the name of the writ petitioner as his retained land which was within the ceiling limit.
9. As noted above, the review application has been filed by the State on the ground that at the time of passing the order under review, there was an error apparent on the face of the record to the effect that the land in question was taken into consideration as the private land of the predecessor of the writ petitioner whereas the said land actually belonged to a deity. By the review application, the state has also sought a review of the impugned order on the ground that since the land in question already stood vested with the State, the deity having not submitted any Form-B, the order under review treated the property belonging to an individual rather than the deity.
 10. Considering the grounds set forth for review of the order impugned under the review application and considering the submissions made on behalf of the parties, it transpires that the State is trying to reopen the

entire case afresh in the garb of review application. Such contention cannot be allowed to be agitated.

11. For the aforesaid reasons, we find no merit in the application for review.
12. Consequently, the review application being **RVW 155 of 2025** and **IA No.: CAN 2 of 2025** are **dismissed** without any order as to costs.

(Md. Shabbar Rashidi, J.)

13. I agree.

(Debangsu Basak, J.)

(AD)