

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

Present:

**The Hon'ble Justice Debangsu Basak
And
The Hon'ble Justice Prasenjit Biswas**

WPLRT 82 of 2024

Smt. Manisha Das

Vs.

The State of West Bengal & Ors.

For the Petitioner : Mr. M.A. Samad, Advocate
Mr. Taher Ahammad, Advocate
Ms. Priyanka Sharma, Advocate

For the State respondents: Mr. Tapan Kumar Mukherjee
Ld. AGP & Ld. Sr. Advocate
Mr. Somnath Naskar , Advocate

Hearing & Judgment on : July 2, 2025

DEBANGSU BASAK, J.:-

1. Writ petition is directed against order dated January 5, 2024 passed in O.A.1685 of 2015 (LRTT) by the West Bengal Land Reforms and Tenancy Tribunal.
2. By the impugned order, learned Tribunal was pleased to dispose of original application filed at the behest of the writ petitioner by directing that, the possessory right of the writ petitioner in respect of the subject plot may not be disturbed without the due process of law.

3. Learned Advocate appearing for the writ petitioner submits that, the writ petitioner purchased 0.4 decimals of land in Plot No.2106 appertaining to Khatian No.644 of Mouza-Garh Berhampore from Amarendranath Majumder on July 22, 1982 by registered deed of sale. After such purchase, the writ petitioner applied for mutation and it was allowed. Writ petitioner constructed a two-storied building after obtaining necessary permission from the municipality. Subsequently, since the first quarter of 2014, the BL & LRO refused to accept the rent after it was tendered for acceptance. Thereupon, writ petitioner learnt that, a proceedings under Section 14T(3) of the West Bengal Land Reforms Act, 1955 was initiated.
4. Learned Advocate appearing for the writ petitioner submits that, since State accepted rent and allowed the mutation, there was a tenancy created which should not be disturbed.
5. Learned Advocate appearing for the writ petitioner submits that, there was a civil suit in which, right, title and interest of the writ petitioner was declared. State cannot act beyond the declaration of title granted by the Civil Court.
6. Learned Advocate appearing for the writ petitioner submits that, there is a disproportionate treatment given by the State while recording the name of the writ petitioner with respect to the land purchased *vis-a-vis* the land left behind by the original owner being Dhirendranath Roy.
7. State is represented.

8. State undertook an exercise under Section 14T(3) of the Act of 1955. In such proceedings, State found that, the land of the big raiyat stood vested. Writ petitioner before us is a post vesting transferee. Therefore, writ petitioner claims title of the immovable property concerned through the heirs and legal representatives of the big raiyat. As noted above, land of the big raiyat stood vested with the State. Therefore, writ petitioner before us cannot claim a right, title and interest which is higher or better than that of the big raiyat.
9. There was a civil suit in which State was a party-defendant. Such civil suit was compromised between the private parties by deleting the State as a party-defendant in such civil suit.
10. Declaration of title, if there be any by the Civil Court, may be binding amongst the private parties. State is not bound by such declaration of title, as it was not a party to the compromise decree. Moreover, it was deleted from the array of defendants of the civil suit. In any event, by virtue of the proceedings under Section 14T(3) of the Act of 1955, the plot stood vested with the State.
11. Writ petitioner is not entitled to negative equality assuming though not admitting that the State did not proceed against other persons who are enjoying vested land.
12. In view of the discussions above, we find no material irregularity in the impugned order passed by the learned Tribunal warranting our interference under Article 226 of the Constitution of India.

13. **WPLRT 82 of 2024** is **dismissed** without any order as to costs.

(Debangsu Basak, J.)

14. I agree.

(AD)

(Prasenjit Biswas, J.)