

**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 1093 of 2002
with
IA No.: CAN 3 of 2021**

**Subal Chandra Pal (since deceased) substituted by his legal
heirs Sri Debabrata Paul & Ors.**

Vs.

The State of West Bengal & Ors.

For the Petitioners : Ms. Nibedita Chakraborty, Advocate

For the respondent no.3 : Mr. Abhishek Kabir, Advocate

Heard & Judgment on : May 5, 2025

DEBANGSU BASAK, J.:-

1. Writ petition is directed against an order dated May 7, 2002 passed by the West Bengal Land Reforms and Tenancy Tribunal in O.A. No.2473 of 2001 (LRTT).

2. Petitioner before us initially applied under Section 24 of the West Bengal Non-Agricultural Tenancy Act. Such application was rejected upto the appellate authority stage. A revisional application was preferred directed against such order of rejection being CO No.2307 of 1989. Such revisional application was disposed of by an order dated May 31, 1990 by holding that, the application for preemption under Section 24 of the West Bengal Non-Agricultural Tenancy Act is not maintainable. The High Court, however, directed such application to be treated to be made under Section 8 of the West Bengal Land Reforms Act, 1955 and directed the same to be decided by the learned Trial Judge.
3. Trial Court decided in favour of the petitioner. Appeal Court overturned the decision of the learned Trial Court. Aggrieved by the decision of the Appeal Court, approach was made to the Tribunal, assailing the order of the Civil Court.
4. Right of preemption, therefore, so far as the petitioner is concerned, stood extinguished.
5. In our view, right of the petitioner under Section 24 of the West Bengal Non-Agricultural Tenancy Act and under Section 8 of the West Bengal Land Reforms Act, 1955 stood decided as against the petitioner by competent Courts. The petitioner is not entitled to reagitate such issue. Learned Tribunal rightly dismissed the original application of the petitioner herein by the impugned order.

6. We find no infirmity in the impugned order warranting an interference.
7. **WPLRT 1093 of 2002** are dismissed without any order as to costs.
8. **IA No.: CAN 3 of 2021** is also disposed of.

(Debangsu Basak, J.)

9. I agree.

(Md. Shabbar Rashidi, J.)

(AD)