

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 107 of 2025

Shalimar Wires Industries Limited and another
Vs.
State of West Bengal and others

For the petitioners : Mr. Amit Kumar Pan,
Mr. Rudrodeb Chowdhury,
Mr. Shaswata Nayak,
Ms. Saolini Bose

For the State : Mr. Sirsanya Bandopadhyay, Ld. Sr. Standing counsel,
Mr. Akash Dutta

Heard on : 18.08.2025

Judgment on : 18.08.2025

Sabyasachi Bhattacharyya, J.:-

1. The scope of the present challenge, to an order of the Tribunal dated March 27, 2025, is limited. The petitioner no.1-company applied for conversion of a certain plot of land in LR Khatian No. 4162/1. By an order dated January 02, 2018, such order of conversion was passed by the Collector under Section 4C of the West Bengal Land Reforms

Act, 1955 (hereinafter referred to as “the 1955 Act”). Subsequently, when the petitioners approached the appropriate authority for effecting corrections to the records of right pursuant to such conversion, there was prolonged delay on the part of the authorities and by a communication dated December 20, 2021, the petitioner no.1 was intimated that a formal proposal for lease in terms of the amended provision of Section 4B of the 1955 Act be submitted by the petitioner no.1-company.

2. Challenging such inaction in correcting the records and insistence on a formal proposal on the part of the State, the petitioners preferred an Original Application before the Tribunal, where the State took an objection to the effect that the order of conversion was a nullity in view of the Collector not having any inherent jurisdiction to pass such an order in view of the plot-in-question being covered by Section 6(3) of the West Bengal Estates Acquisition Act, 1953 (hereinafter referred to as “the 1953 Act”).
3. It was argued on behalf of the State at length as to the purported history of the land. The State argued that the tenancy in the land-in-question was “Maliks” “Lakheraji” as it appeared from the finally published records of rights and that there was no documentary proof that such intermediary tenancy was put to a lawful end.
4. Accordingly, the State argued that Section 6 of the West Bengal Estates Acquisition Act was applicable.

5. The present petitioners, however, controverted the said allegation and contended that the plot-in-question fell within the ceiling limit under both the West Bengal Estates Acquisition Act and the West Bengal Land Reforms Act and, as such, in any event, would be outside the purview of Section 6(3). That apart, it was argued that the State never challenged the order of conversion dated January 02, 2018 under Section 54 of the West Bengal Land Reforms Act, 1955 and, as such, the said order has attained finality and the entire decision cannot now be reopened *suo motu* by the State merely by inserting in the LR records of rights, in the year 2024, an observation in the remarks column that the khatian-in-question is covered under Section 6(3) of the 1953 Act.
6. The learned Tribunal, while recording the narrative of the arguments of both sides, without deciding the said issues, directly went into the question as to whether the State was justified in issuing the letter dated December 20, 2021, thereby directing the petitioners to submit a formal proposal for lease in terms of Section 4B of the 1955 Act (as amended).
7. The Tribunal observed that the same was done in advisory jurisdiction and it was optional for the petitioners to ignore the same or to abide by the same. However, the Tribunal, instead of directing the respondent authorities straightaway to correct the records of rights by reflecting the conversion of the land, treated the application for rectification to be a representation and directed the B.L. & L.R.O to

decide the same on merits upon giving appropriate opportunity of hearing to all concerned. Thus aggrieved, the present writ petition has been preferred.

8. Upon carefully considering the submissions of the parties, we find that there are two aspects to the matter. Undoubtedly, it is an admitted position that the conversion order dated January 02, 2018 annexed at page-74 of the writ petition was never challenged under Section 54 of the 1955 Act, nor was the said order reversed or modified *suo motu* by the State under Section 54(5) of the said Act.
9. Viewed from such perspective, the said order has otherwise attained finality and no option was left for the State but to comply with the application of the petitioners to correct the records of rights pursuant to the said conversion order.
10. However, there is a second perspective to the matter.
11. The State has relied on several documents and claimed that those are the RS records of rights, where it was specifically observed that the Khatian and the concerned plots-in-question are governed under Section 6(3) of the West Bengal Estates Acquisition Act, 1953. Such recording, if actually existent, would have been done much prior to the conversion order dated January 02, 2018. As such, in the event the Khatian and the plots were governed under Section 6(3) of the 1953 Act on the date of the conversion, the order of conversion would arguably be a nullity, in view of the Collector having inherent lack of jurisdiction to pass such an order passed under Section 4C of the

West Bengal Land Reforms Act, 1955, in which case, it would also be arguable that the said conversion order might as well be ignored, even without a challenge to the same, being a nullity *ab initio*.

12. The learned Tribunal, despite both the parties having addressed the above issues, failed to come to a conclusion by adverting to the same and unnecessarily relegated the adjudication to the B.L. & L.R.O., thereby shirking its responsibility to decide the said questions on merits.
13. As such, the ends of justice would be sub-served and unnecessary litigation would be saved if the Tribunal is directed to re-adjudicate the matter upon deciding all the issues as indicated above. We make it abundantly clear that we are not undertaking that exercise by directing affidavits, since in such event, both the parties will lose a forum and it would be inappropriate, since the Writ Court would then convert itself to a fact-finding forum on questions of fact which are to be decided on taking evidence, which is not permissible in law.
14. However, insofar as the letter dated December 20, 2021 issued by the Additional District Magistrate and District Land and Land Reforms Officer, Hooghly to the petitioner no.1 vide memo no. X/C/6(3)/99/5756/Hooghly is concerned, the same was patently *de hors* the law, since even under Section 4B of the 1955 Act, there is no scope of a formal proposal for lease being sought, as the status of a lessee would be conferred by automatic operation of law by virtue of Section 4B.

15. In view of the above discussions, WPLRT 107 of 2025 is disposed of by setting aside the impugned order dated March 27, 2025 passed in OA No. 1608 2024 (LRTT) and remanding the matter to the Tribunal for a fresh adjudication on the issues as enumerated above on the pleadings already on record, upon giving fresh opportunity of hearing to both sides, without being influenced on merits by the observations made above.
16. However, insofar as the impugned Memo dated December 20, 2021, whereby the petitioner no.1 was directed by the District Land and Land Reforms Officer, Hooghly to give a formal proposal for lease, is concerned, the said Memo/communication is hereby set aside, as there is no scope under Section 4B for such a formal proposal to be sought for.
17. In view of the long time which has elapsed in the meantime and in view of the submission of the petitioners that their business is being hampered due to pendency of the litigation, the learned Tribunal is requested to dispose of the matter afresh in terms of the above directions as expeditiously as possible, positively within six months from the date of communication of this order to the Tribunal.
18. It is made clear that this Court has not entered into the merits of the contentions of the parties and it will be open to the parties to raise all issues before the Tribunal and if so raised, the Tribunal will be at liberty to decide those independently on their own merits in accordance with law.

19. There will be no order as to costs.
20. 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.)

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