

**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 89 of 2024

Arun Kumar Kundu

Vs.

The State of West Bengal & Ors.

For the petitioner : Mr. Debabrata Roy, Advocate

Mr. Gazi F. Hossain, Advocate

For the State : Mr. Sk. Md. Galib, Ld. Sr. Govt. Advocate

Ms. Sujata Mukherjee, Advocate

Heard & Judgment on : April 24, 2025

DEBANGSU BASAK, J.:-

1. Writ petition is directed against the order dated April 26, 2024 passed by the West Bengal Land Reforms and Tenancy Tribunal in O.A. No.214 of 2017 (LRTT).
2. Learned Advocate appearing for the petitioner submits that, the Tribunal erred in not considering the merits of the matter. He submits that, there was an application filed under Section 14(M) of the West Bengal Land Reforms Act which required consideration. Moreover, the appellate authority remanded the matter to the adjudicating authority

and, therefore, there was no question of a review being undertaken by the adjudicating authority.

3. Learned Advocate appearing for the writ petitioner submits that, on merits, the Tribunal erred in not considering the size of the family of the writ petitioner *vis-à-vis* the land available to him. Learned Tribunal allowed the order of the adjudicating authority as affirmed by the appellate authority without considering the merits of the case of the writ petitioner.
4. State is represented.
5. Vesting proceeding case being BR Case No.243/DNK/1989 was initiated by the Revenue Officer, Dhaniakhali, Hooghly against the predecessor-in-interest of the writ petitioner under Section 14(T) and Section 14(S) of the West Bengal Land Reforms Act, 1955. The writ petitioner is the son of the raiyat against whom the proceedings stood initiated.
6. Such vesting proceeding was disposed of by an order dated January 11, 1990 by which, 4.01 standard hectares of land was held to be vested with the State. The Revenue Officer at that material point of time determined the family composition of the father of the writ petitioner as five in number. This order remained unchallenged till 2001 when LR Appeal No.42/01 was filed. This appeal was not proceeded with.

7. Thereafter, the father of the writ petitioner made a representation before the concerned Block Land & Land Reforms Officer for reconsideration of the order of the Revenue Officer passed in BR Case No.243/DNK/1989. The concerned Block Land & Land Reforms Officer did not act thereon. For such inaction, an original application being OA No.3137/12 (LRTT) was filed before the Tribunal. Such original application was disposed of by directing the original applicant to prefer an appeal against the order of the prescribed authority.
8. The writ petitioner thereafter preferred an appeal before the District Land and Land Reforms Officer which was registered as LR Appeal No.114/13 in connection with BR Case No.243/DNK/1989.
9. The appellate authority disposed of the appeal by an order dated June 23, 2016 concurring with the view of the Revenue Officer.
10. The writ petitioner thereafter filed O.A. No.214 of 2017 challenging the order of the appellate authority.
11. In the interregnum, the writ petitioner filed a writ petition before the High Court challenging the vesting proceedings where he did not succeed. During the pendency of the vesting proceedings, writ petitioner sold certain lands which were found to be vested. Writ petitioner did not make such purchasers as parties in the original application.
12. We also find from the records that, although, the original order of vesting was disposed of by the prescribed authority on January 11,

1990, the challenge to the same by the writ petitioner was first launched in 2001 and then in July 25, 2013.

13. Before the learned Tribunal, writ petitioner suppressed the filing of the writ petition challenging the vesting as also the appeal filed in 2001. Learned Tribunal noted both the conduct of the writ petitioner as also the suppressions in the impugned order.
14. It would be apposite to set out the relevant portion of the impugned order which is as follows:-

“Therefore to cover up his latches, the applicant has submitted supplementary affidavit annexing photocopy of Voter ID Card and photocopies of marriage invitation card. Those were not submitted before the prescribed authority and before this Tribunal at initial stage. These photocopies have been manufactured at a belated stage to get something out of nothing. These are all brain child of the applicant, for the purpose of retaining more land than he was allowed to retain. In this regard, the decision of the Hon’ble High Court passed in WPLRT No.263/13 is apposite.

In sum, law is what law does, not what law prates. For quick recap, let us place the excerpts of the above decisions.

- *In the present OA, the applicant has suppressed the fact that he preferred a writ petition before the Hon’ble High Court, Calcutta challenging the vesting proceeding.*
- *Applicant has also suppressed in this OA that on an earlier occasion, he preferred an appeal being LR Appeal No 42/01 challenging the vesting proceeding.*

- *Vesting proceeding was conducted by the prescribed authority on several dates but the applicant did not think it appropriate to disclose the fact of transfer of some plot of land before passing of the vesting order by the prescribed authority. He had suppressed these facts with a sinister motive.*
- *The person to whom some plots were transferred by the raiyat before passing of the vesting order have not been impleaded as necessary party in the OA and in the representation.*
- *The applicant did not submit any Return either in Form No.7A or in Form No.7AA of WBLR Act in conformity with Rule 14C and Section 14T(1) of WBLR Act to vouchsafe his claim regarding the “irrigated and non irrigated land”.*
- *On this point the applicant did not raise any “question” as per section 14N of the Act before the respondent authority.*
- *The prescribed authority i.e. the BL&LRO has got no jurisdiction to reconsider/review his own order. It is beyond the purview of LRTT Act, 1977.*

For the reason aforesaid, we are of the considered view that the applicant has failed miserably to substantiate his case which is based on falsehood and thus ended in a fiasco. There is nothing to interfere with the impugned order passed by the Appellate Authority and the order passed by the prescribed authority as well.”

15. It is trite law that a Court will not come to assistance of a person who does not come with clean hands. In the facts and circumstances of the present case, the writ petitioner is guilty not only of suppression but also of conduct which any reasonable person can classify as

fraudulent. He sold vested properties to third parties knowing the same to be vested and did not make such transferees parties to the proceedings initiated by him.

16. In view of the discussions above, we find no ground to interfere with the order impugned.
17. **WPLRT 89 of 2024** is **dismissed** without any order as to costs.

(Debangsu Basak, J.)

18. I agree.

(Md. Shabbar Rashidi, J.)

(AD)