D/L.13.
August 5, 2025.
MNS.

WPLRT No. 113 of 2025

Subodh Mondal and others
Vs.
The State of West Bengal and others

Mr. Mrinal Kanti Ghosh

… for the petitioners.

Sk. Md. Galib, Ld. AGP.,
Ms. Munmun Ganguly,
Ms. Priyambada Singh

…for the State-respondents.

1. Since no affidavits have been invited, it is deemed that none of the allegations made in the writ petition are admitted by the respondents.
2. In view of the relevant documents being annexed to the writ petition, the same is being taken up for hearing.
3. Learned counsel for the petitioners argues that by the order which was impugned before the appellate authority, the Revenue Officer came to the conclusion that the petitioners were holding land beyond the ceiling limit and vested the same, without taking into consideration the fact that the predecessor-in-interest of the petitioners had

already transferred a part of the property prior to the cut-off date of August 7, 1969 as per the contemplation of Section 14P of the West Bengal Land Reforms Act, 1955 and, as such, erroneously clubbed those lands within the total land held by the petitioners/big raiyats.

4. Learned counsel further submits that a similar exercise was done earlier which was challenged before this Court. A learned Single Judge of this Court, *vide* order dated August 24, 1999 passed in CR No. 11376(W) of 1980, had set aside the said vesting on the ground that lands not belonging to the writ petitioners were clubbed along with their lands for such vesting.

5. It is submitted that in view of such exercise having already been undertaken once and culminated in the order of the learned Single Judge, the self-same exercise could not have been re-initiated by recommencing a vesting proceeding with regard to the petitioners' land.

6. The Appellate Authority, despite having taken note of such facts, remanded the matter unnecessarily, which order was affirmed by the learned Tribunal.

7. Learned counsel for the State argues that the Appellate Authority was well within its powers in remanding the matter to the Revenue Officer.

8. Moreover, the remand order was in the nature of a limited remand and, as such, there was no illegality or jurisdictional error in passing the same.
9. That apart, the learned counsel placing reliance on Section 16Y of the 1955 Act, which empowers the State Government to recommence the vesting proceedings in respect of lands held by big raiyats.
10. Upon hearing learned counsel for the parties, we come to the following conclusions:
11. Insofar as the powers of the Appellate Authority under the 1955 Act in the exercise of its jurisdiction under Section 54 of the said Act are concerned, there is no quarrel with the proposition that undoubtedly the Appellate Authority is vested with the power of remand.
12. However, the question is whether the Appellate Authority was justified in exercising such power in the facts and circumstances of the present case.
13. We find from the observations of the Appellate Authority itself that it clearly took into consideration that the impugned order of vesting afresh was passed by totally ignoring the area of 6.03 acres of land transferred before the restricted period, that is, August 7, 1969.
14. Furthermore, the Appellate Authority took into consideration that there was a previous adjudication by the learned Single Judge of this Court in CR No. 11376(W) of 1980 on the self-

same issue. Despite taking into consideration the same, the Appellate Authority, instead of setting aside the fresh order of vesting of the Revenue Officer outright, remanded the matter unnecessarily, contrary to the principle embodied in Order XLI Rule 24 of the Code of Civil Procedure.

15. It is clear from the materials on record that the reopening of the self-same issue is not permissible in law, since there has to be an end of litigation and the principle of *res judicata* is applicable, since a vesting proceeding is in the nature of a quasi-judicial exercise where certain powers of assessing evidence are exercised. Thus, the principle of *res judicata* is squarely attracted.

16. Insofar as the argument of the State in respect of Section 14Y of the 1955 Act is concerned, the said provision is applicable only in case of future acquisition of land by a raiyat, that is, if the raiyat acquires further land subsequently, which is not the case of any of the parties here. Neither the Revenue Officer nor the Appellate Authority was of the opinion that further land has been acquired by the present petitioners. As such, there could not be a reopening of the same exercise by initiating a vesting proceeding for the second time, thereby throwing open a closed chapter.

17. That apart, in view of the specific order of the learned Single Judge dated August 24, 1999 in CR

No. 11376(W) of 1980, the Revenue Officer acted palpably without jurisdiction in passing the order impugned before the Appellate Authority and the Appellate Authority had no other option but to set aside the order of the Revenue Officer instead of unnecessarily remanding the same to the self-same authority.

18. Moreover, even on merits, in view of the bar under Section 14P of the 1955 Act, there was no scope of taking into account the lands transferred prior to August 7, 1969 to be included in the land held by the petitioners.

19. Thus, the order of the Appellate Authority and the order of the learned Tribunal affirming the same suffer from material irregularity and patent illegality.

20. Accordingly, WPLRT No. 113 of 2025 is allowed on contest, thereby setting aside the impugned order dated November 19, 2024 passed by the West Bengal Land Reforms and Tenancy Tribunal, Fourth Bench in OA No. 3292 of 2016, as well as the order of the Appellate Authority dated May 12, 2016 and the order of the Revenue Officer dated April 8, 2003, whereby the land of the petitioners was vested.

21. Liberty is given to the present petitioners to file a proper application in accordance with law for correcting the LR Records of Rights in terms of the above order.

22. If such an application is made, the appropriate authorities shall decide the same expeditiously in the light of the above observations.

23. There will be no order as to costs.

(Uday Kumar, J.) (Sabyasachi Bhattacharyya, J.)