

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 110 of 2025

The State of West Bengal and others
Vs.
Chandi Charan Singha Roy

For the petitioners	:	Mr. Sk. Md. Galib, Sr. Govt. Adv., Ms. Ashmita Chakraborty
For the respondent no.1	:	Mr. Aniruddha Chatterjee, Sr. Adv., Mr. Uday Sankar Chattopadhyay, Mr. Iftekar Munshi, Ms. Bidisha Chakraborty, Ms. Sadia Parveen
Heard on	:	22.09.2025
Judgment on	:	22.09.2025

Sabyasachi Bhattacharyya, J.:-

1. Affidavit-of-service filed today be kept on record.
2. The present challenge has been preferred against an order dated June 20, 2025, whereby a contempt application filed by the private

respondent was allowed by the West Bengal Land Reforms and Tenancy Tribunal, thereby directing the alleged contemnor, that is, the B.L. & L.R.O, Kalna-I, Purba Bardhaman to file show cause as to why contempt proceedings shall not be drawn up against him vide Section 15 of the West Bengal Land Reforms and Tenancy Tribunal Act for wilful and deliberate violation and disregard of the solemn order dated September 28, 2022 passed by the said Bench of the Tribunal in connection with O.A. No. 1980 of 2019 (LRTT) by not disposing of the application of the applicant and not concluding the hearing in terms of the order of the Hon'ble High Court at Calcutta, as well as against an order dated July 11, 2025, whereby, keeping in view that a fair chance should be given to the concerned B.L. & L.R.O since he had joined only 10 days back, the said B.L. & L.R.O was directed to complete the compliance proceeding and to bring the corrected ROR in person before the said Bench in terms of the judgment of this Hon'ble Court positively on the next date fixed.

3. Learned Senior Government Advocate, appearing for the petitioner/State, submits that the order passed by the B.L. & L.R.O, which was the premise of the rule of contempt issued against him, substantially complied with the direction of the Tribunal. Taking this Court through the order of the Tribunal dated September 28, 2022, which has been allegedly violated, learned Senior Government Advocate points out that apart from a direction on the B.L. & L.R.O to dispose of the representation of the applicant/private respondent in

terms of the observation made by this Court vide order dated August 10, 1992 in C.O. No. 11078(W) of 1992, the Tribunal further directed the B.L. & L.R.O to meticulously verify whether the correction of records of rights at the behest of the applicant/private respondent herein can be made in accordance with law and relevant rules existing. Thus, it is contended that the concerned B.L. & L.R.O, while passing the order, which is allegedly contumacious, comprehensively dealt with the law on the substance of the dispute and came to the finding, upon a consideration of several judgments cited before him, that the decrees of the civil appellate courts were nullities and, as such, the correction could not be effected in terms of the same in respect of the records of rights concerned.

4. It is argued that in view of the rider of the order of the Tribunal to the effect that the B.L. & L.R.O was to meticulously verify whether the correction of the records of rights could be made in accordance with the law and relevant rules, the B.L. & L.R.O acted well within the ambit of the said direction in passing the impugned order, considering the legality and the relevant rules. It is sought to be argued by the learned Senior Government Advocate that in view of the unamended Section 46 of the West Bengal Estates Acquisition Act, 1953 being applicable, it was beyond the scope of the civil court to decide the issues involved and, as such, the B.L. & L.R.O could not be said to have committed contempt of court by passing a well-reasoned order in accordance with law.

5. The learned Senior Government Advocate next argues that in the event the private respondent is aggrieved by the order of the B.L. & L.R.O, a fresh challenge against the same is the appropriate remedy and not a contempt application.
6. It is submitted that in the event any illegality or irregularity in the order comprises the grievance of the private respondent, the appropriate remedy would be by way of an appeal as contemplated in the statute. It is beyond the jurisdiction of the contempt court to interpret its own order and come to a finding as to contempt, it is contended.
7. Learned Senior Government Advocate places reliance on *Sudhir Vasudeva, Chairman and Managing Director, Oil and Natural Gas Corporation Limited and others vs. M. George Ravishekar and others*, reported at (2014) 3 SCC 373, for the proposition that the courts must not travel beyond the four corners of the order which is alleged to have been flouted or enter into questions that have not been dealt with or decided in the judgment or the order, the violation of which is alleged, in a contempt plea.
8. Learned Senior Government Advocate submits that by the last limb of the second impugned order dated July 11, 2025, the B.L. & L.R.O has been directed to complete the compliance proceeding by correcting the ROR, thereby the learned Tribunal seeking to interpret its parent order in a contempt proceeding, which is not permissible in law.

9. Learned Senior Advocate appearing for the private respondent submits that there was no option for the B.L. & L.R.O to enter into the veracity, validity or sanctity in the eye of law of the decrees of the civil appellate court, in view of the specific direction of the writ court dated August 10, 1992 passed in Civil Order No. 11078 (W) of 1992 that the State/respondent is to correct the relevant record of rights “in terms of” the judgment, decree and order as mentioned in the writ application (that is, the appellate court’s decrees) within three months from the date of filing of the application by the writ petitioner therein.
10. It is submitted that the mandatory nature of the said direction did not leave any option for the B.L. & L.R.O or the Tribunal to deviate from the same. It is contended by the learned senior Advocate that the order of the Tribunal dated September 28, 2022 has to be read in such context. In the said order, the Tribunal categorically directed the B.L. & L.R.O to consider the representation of the applicant/present private respondent afresh and to dispose of the same “in terms of the observation made by the Hon’ble High Court, Calcutta vide order dated 10/08/92 in C.O. No. 11078 (W) 1992”. As a corollary thereto, it was added that the B.L. & L.R.O must meticulously verify whether this correction of records belonging to the appellant before the Tribunal can be made in accordance with law and relevant rules existing.
11. It is further pointed out by the private respondent that neither the decrees of the civil appellate courts nor the order of the writ court

passed in C.O. No. 11078 (W) 1992 were challenged before any competent forum. Thus, those attained finality and cannot be deviated from. Hence, the B.L. & L.R.O, in hitting at the very root of the said directions by questioning the validity, legality and/or sanctity of the decrees of the appellate court, committed a blatant contempt of the direction of the Tribunal.

12. The learned Senior Advocate further argues that the present challenge is premature since by the impugned orders, the B.L. & L.R.O has merely been directed to show cause as to why he should not be penalized for contempt. No penal action has been taken as yet against the B.L. & L.R.O and it should be left to the Tribunal to adjudicate on the outcome of the rule.
13. Upon a careful consideration of the arguments of the parties, we are of the opinion that the stage at which the present challenge has been preferred is somewhat premature to a limited extent, insofar as only an order in the nature of a rule has been issued for the B.L. & L.R.O to show cause as to why he should not be penalized for the contumacious action, and no penal action has yet been taken against him by holding the BL & LRO guilty of contempt.
14. However, the portion of the second impugned order dated July 11, 2025 whereby the B.L. & L.R.O has been directed to complete the compliance proceeding and to bring the corrected records of rights in person before the Bench tantamounts to a pre-judging of the issue involved in the contempt application, in the sense that unless it is

held that the B.L. & L.R.O is in contempt of the direction of the Tribunal, the Tribunal would not be empowered, sitting in contempt jurisdiction, to ensure compliance of the said direction in a manner as the Tribunal interprets, sitting in contempt jurisdiction, which would be contrary to the principle laid down in *Sudhir Vasudeva (supra)*.

15. Insofar as the alleged contempt is concerned, the order of the writ court in C.O. No. 11078 (W) of 1992, no doubt, left no manner of doubt as to the records of rights being mandatorily directed to be corrected in terms of the judgment and decree as mentioned in the said writ petition, that is, the decrees of the civil appellate court.
16. Although the State has a point in arguing that the nullity of the appellate court's decree, even if not challenged before a higher forum, can be set up at any point of time on the ground of inherent lack of jurisdiction, even before collateral fora, the order of the writ court in C.O. No. 11078 (W) of 1992, which has also not been challenged and has attained finality, comes in-between such argument and the order of the Tribunal. Even if there would have been some scope left for considering as to whether the appellate court's decree was a nullity due to lack of inherent jurisdiction before any forum, after the order of the writ court to correct the relevant records of rights in terms of the judgment and decree and order as mentioned in the writ application, there was very little scope of re-interpreting or re-opening the validity of the said decrees. Since the State, which was a party to the said writ petition, has acquiesced to such order by not preferring any challenge

against the same, it apparently was the duty of the concerned B.L. & L.R.O to correct the records of rights in terms of the appellate court's decrees.

17. However, a second layer of doubt has been created by none less than the Tribunal itself in its parent order dated September 28, 2022.
18. There would have been no option left for the B.L. & L.R.O but to directly correct the records of rights if the Tribunal stopped at directing the B.L. & L.R.O to dispose of the representation of the private respondent in terms of the observations made by this Court in C.O. 11078 (W) of 1992. However, the Tribunal went one step ahead and directed the BL & LRO, even apart from such correction, to meticulously verify whether the correction of the records belonging to the appellant can be made "in accordance with law and relevant rules existing".
19. There is a two-fold dilemma involved in the present matter. The first is whether the subsequent direction of the Tribunal, for the B.L. & L.R.O to meticulously verify whether the records of rights could be made in accordance with law and the relevant rules, would apply only to the procedural part and the modalities involved or could also touch upon the substantive validity of the foundation for correction of the records of rights, namely the civil appellate decrees, in which case, it might have been argued to be open to the B.L. & L.R.O to consider such aspect of the matter also.

20. The second layer of dilemma is whether, if there is a scope of dual interpretation or multiple interpretations of a particular order, a person can be hauled up for contempt of the same, since contempt, being a penal jurisdiction and the last resort of the courts, has to be tested on extreme standards. If there could have been a justified dilemma in the mind of the alleged contemnor as to the import of an order, a penal action for contempt is not generally resorted to.
21. However, on the other hand, it can also be argued by the private respondent that the direction of the writ court, read in conjunction with the order of the Tribunal, had only one way of being interpreted. A harmonious interpretation of the two limbs of the Tribunal's directions could only lead to the B.L. & L.R.O correcting the records of rights in terms of the appellate court's decrees and look into whether, as per the extant law and rules, there was any procedural defect or irregularity as to the modality in which the application/representation was made.
22. In view of such double layer of dilemma, it is premature to say at the present juncture as to whether the B.L. & L.R.O is in contempt of the direction of the Tribunal and such arguable question is best left to be decided finally by the Tribunal in the contempt application, upon considering the cause shown by the alleged contemnor.
23. As such, the present writ petition is premature insofar as it concerns the issuance of the rule of contempt, since it is yet to be decided by

the Tribunal conclusively as to whether the B.L. & L.R.O is guilty of contempt and is liable to be punished for the same.

24. However, the second component of the impugned order dated July 11, 2025 to the extent that the B.L. & L.R.O has been directed to complete the compliance proceeding and to bring corrected ROR in person before the Tribunal, cannot be sustained in law. Sitting in contempt jurisdiction, the Tribunal, prior to conclusively deciding whether there has been contempt of its order or not, could not enforce the compliance of its parent order. In the event the private respondent is otherwise aggrieved with the said order of the BL & LRO, in law or on facts, the remedy available to the private respondent would be by way of a challenge in an appeal before the appropriate forum and not in the contempt jurisdiction. Hence, the portion of the impugned order dated July 11, 2025 whereby the B.L. & L.R.O has been directed to correct the records of rights would tantamount to excess o exercise of jurisdiction by the Tribunal in a contempt proceeding.
25. Insofar as the rest of the order is concerned, we are of the opinion, in terms of our above observations, that it would be premature to interfere at this juncture.
26. Accordingly, WPLRT 110 of 2025 is disposed of, thereby sustaining the impugned order dated June 20, 2025 as well as the impugned order dated July 11, 2025 insofar as the same pertains to the direction on the B.L. & L.R.O, Kalna-I, Purba Bardhaman to show cause as to why contempt proceedings shall not be drawn up against

him for the perceived willful deliberate violation of the Tribunal's order by not disposing of the application and concluding the hearing of the same in terms of the order of this Court in the previous writ petition. However, insofar as the latter portion of the impugned order dated July 11, 2025 is concerned, to the effect that the concerned B.L. & L.R.O has been directed to complete the compliance proceeding and to bring the corrected ROR in person before the Tribunal on the next occasion, we hereby set aside the same.

27. We make it abundantly clear that we have not entered into the merits of the contempt application. In the event, upon conclusion of the hearing the cause shown by the B.L. & L.R.O, the Tribunal is of the opinion that the B.L. & L.R.O is guilty of contempt, it will be open to the Tribunal to take appropriate necessary action in accordance with law and, in such case, also to direct compliance of the order passed by it.
28. However, in the event the contempt proceeding culminates in the B.L. & L.R.O being held not guilty, upon extending the benefit of doubt to the B.L. & L.R.O or otherwise, the Tribunal shall then drop the contempt proceedings and shall not pass any order for implementation of its parent order in connection with the contempt proceeding but leave it to the private respondent to take appropriate steps for implementation of the said order in accordance with law.
29. There will be no order as to costs.

30. 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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