

Form No.J(2)

IN THE HIGH COURT AT CALCUTTA
Civil Appellate Jurisdiction
Appellate Side

Present : The Hon'ble Mr. Justice Sabyasachi Bhattacharyya
&
The Hon'ble Mr. Justice Uday Kumar

WPLRT 128 of 2025

Gita Mondal
Vs.
The State of West Bengal and Ors.

For the petitioner : Mr. Supratim Dhar, Ld. Sr. Adv.,
Mr. Dhananjay Nayak, Adv.

For the respondent nos.
7, 8, 11, 12, 23 to 25, 29,
30 and 43 : Ms. Sarda Sha, Adv.

For the respondent nos.
6(a), 6(b), 26, 39, 44,
46 and 48 : Mr. Shyama Prasad Purkait,
Mr. Dinesh Ch. Mandal, Adv.

For the State : Sk. Md. Galib, Ld. Sr. Govt. Adv.,
Mr. Tamal Taru Panda, Adv.

Heard on : August 26, 2025.

Judgment on : August 26, 2025.

Sabyasachi Bhattacharyya, J.:

1. The affidavit-of-service filed today be kept on record.
2. Learned Senior Advocate appearing for the petitioner submits that although most of the respondents have been served, service on four of the respondents is incomplete. However, those four respondents did not contest before the Tribunal as well.
3. Since the other respondents are substantially represented by learned counsel and have been served, we take up the matter for hearing.
4. Heard learned counsel for the parties.
5. The present dispute ought not to have reached this adversarial stage. In fact, the petitioner and the private respondents are speaking at cross-purposes.
6. The writ petitioner's case is that one Umapada Mallick was the original raiyat of RS Plot no. 324 in Mouza – Bhagwanpur, measuring about 17.73 decimals. Umapada sold the property on April 7, 1971 to one Dhirendra Nath Mondal, who died on April 5, 1999, leaving behind four sons and three daughters, including one Panchanan Mondal, as is heirs and legal representatives.

7. Panchanan, in the year 2003, executed a Power of Attorney in favour of one Mohan Lal Dutta with respect to Panchanan's share of about 1 bigha and 2 cottahs (2.64 acres) in the said plot. On the strength of such Power of Attorney, the constituted attorney of Panchanan sold the share of Panchanan in its entirety to one Subhas Chandra Dutta (since deceased) on June 25, 2005. The present contesting respondents are the heirs and legal representatives of Subhas Chandra Dutta.
8. Thereafter, despite Panchanan having already lost title in the property by virtue of his sale to Subhas Chandra Dutta, took out a pre-emption application in the year 2007 under Section 8 of the West Bengal Land Reforms Act, 1955 and ultimately obtained an order of pre-emption. However, subsequently, the connected miscellaneous case in respect of the implementation of the pre-emption order was dismissed for default due to non-appearance of Panchanan.
9. The present petitioner Gita Mondal's narrative of title starts from the other end of the spectrum. While Panchanan had sold his portion of the property through Power of Attorney to Subhas Chandra Dutta, the other co-sharers of the property, i.e. the other heirs and legal representatives of Dhirendra Nath

Mondal, executed a sale deed on May 23, 2003 in favour of one Bhim Mondal, Ashok Mondal and one Gokul Mondal.

10. The said three purchasers, on June 11, 2007 executed a Power of Attorney in favour of one Prabir Das who, on the strength of such Power of Attorney, sold their share of the property on January 29, 2011 in favour of Gita Mondal and one Shila Das by a registered transfer deed.
11. Shila, on January 31, 2011, gifted her share of the property to Gita Mondal, the present writ petitioner. Thus, Gita Mondal became the owner of the entire share derived from the other heirs of Dhirendra Nath Mondal than Panchanan.
12. Hence, the final position in respect of the said plot, as per the writ petitioners, is that whereas Subhas Chandra Dutta became the owner of Panchanan's share to the extent of 1 bigha 2 cottahs in the plot in question, Gita became the co-owner of Subhas by virtue of her purchase/gift in respect of the rest of the plot.
13. As per the writ petitioner, without any notice to her, mutation was effected, thereby recording the share of Subhas Chandra Dutta but deleting the name of Gita Mondal, the writ petitioner, which was at that juncture appearing in the Records of Rights.

14. It is submitted that such rectification was done at the behest of Subhas Chandra Dutta, who had moved the Land Reforms and Tenancy Tribunal and had obtained an order on the B.L. & L.R.O. directing the latter to consider the representation of Subhas Chandra Dutta for correction of the records in his name by dint of the transfer in his favour. The B.L. & L.R.O. initially did not comply with the order, which resulted in a contempt proceeding being initiated before the Land Reforms and Tenancy Tribunal. Ultimately, the Tribunal passed an order in connection with the contempt proceeding, in consonance with which the B.L. & L.R.O. corrected the Records of Rights in favour of Subhas Chandra Dutta.
15. The stand of learned counsel appearing for the private respondents, who are the legal heirs of Subhas Chandra Dutta, is that Subhas became the owner of the share of Panchanan in respect of the property by virtue of the transfer deed dated June 25, 2005.
16. Hence, the contesting private respondents are interested in having their name recorded in place of Subhas Chandra Dutta only with regard to the portion of the plot purchased by Subhas Chandra Dutta from Panchanan.

17. Upon hearing learned counsel for the parties as well as the State, it is clear that, as initially stated in our order, the petitioner and the contesting respondents are speaking at cross-purposes since the stand of both of them is that Subhas purchased a portion of the plot in question whereas Gita Mondal had become the owner of the undemarcated share of the other co-sharers in the same plot.
18. The order of pre-emption does not enure to the benefit of either the writ petitioner or the heirs of Subhas, since if Panchanan was to assert his right on the basis of the pre-emption order, Subhas's name, in any event, could not have been recorded, since the order obtained by Panchanan would stand in his favour.
19. Be that as it may, insofar as the veracity of the order of pre-emption is concerned, the same is now subject to a civil suit which has been preferred by the present writ petitioner on the ground of fraud, since Panchanan did not have any title on the date of filing of the pre-emption application. The said suit will be decided independently on its own merits.
20. Insofar as the present dispute is concerned, the purpose of justice would be completely sub-served in the event the name

of the heirs and legal representatives of Subhas Chandra Dutta are recorded in respect of the share in RS Dag no. 324 in Mouza - Bhagwanpur which was purchased by Subhas Chandra Dutta and the name of Gita Mondal is recorded in the Records of Rights in respect of the share to which Gita Mondal became entitled by virtue of her purchase deed dated January 29, 2011 along with the gift deed dated January 31, 2011 executed by Shila Das in favour of Gita Mondal.

21. If such a correction is effected, the dispute between the present petitioner and private respondents before the Tribunal itself would get resolved and there would be no occasion for the two parties to contest between themselves.
22. Accordingly, WPLRT 128 of 2025 is disposed of on contest, thereby setting aside the impugned order of the Second Bench of the West Bengal Land Reforms and Tenancy Tribunal in OA No. 2606 of 2023 (LRTT) dated July 11, 2025, treating the said OA to stand disposed of. The respondent no. 4 i.e. the Block Land and Land Reforms Officer (Sonarpur) shall, upon giving an opportunity of hearing to the writ petitioner as well as the private respondents (being the heirs of Subhas Chandra Dutta and/or their transferees) to produce their respective title deeds

as well as all other documents as deemed necessary by the Block Land and Land Reforms Officer, mutate the property and record the names of the writ petitioner and the concerned private respondents (heirs of Subhas Chandra Dutta), in consonance with their respective shares in the said plot. Such exercise, it is expected, shall be concluded within a reasonable period, preferably within November 30, 2025.

23. It is made clear that since Panchanan and/or his heirs are not parties to the present proceeding, nothing in this order shall affect or prejudice the rights and contentions of the parties to the pending suit between the writ petitioner and Panchanan Mondal as well as any other proceeding insofar as any third party to the present writ petition is concerned.

24. There will be no order as to costs.

25. The parties and all concerned shall act on the server copy of this order without insisting upon prior production of certified copy.

I agree.

(Sabyasachi Bhattacharyya, J.)

(Uday Kumar, J.)