

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

W.P.L.R.T. No. 143 of 2025

Bidya Sagar Shaw
Vs.
The State of West Bengal and Ors.

For the appellant/ petitioner : Mr. Tapash K. Bhattacharya,
Mr. Aviroop Bhattacharya, Advs.

For the private respondent
no.4 : Mr. Souvik Sarkar,
Mr. Ramanjan Bhattacharyya,
Mr. Suva Karmakar, Advs.

For the State respondents : Sk. Md. Galib, Ld. Snr. Govt. Adv.,
Ms. Munmun Ganguly, Advs.

Heard on : September 3, 2025.

Judgment on : September 3, 2025.

Sabyasachi Bhattacharyya, J.:

1. The writ petition itself is taken up for hearing.

2. Upon hearing learned counsel for the parties, it transpires that the petitioner's primary grievance is that despite the original owner Md. Piyaru having transferred separate demarcated portions of the property belonging to the said Md. Piyaru in favour of the petitioner as well as the private respondent and a third purchaser, the name of the private respondent was erroneously recorded in the Records of Rights against the entire property. Also, the property was mutated in the name of the private respondent. The petitioner challenged the mutation before a learned Single Judge of this court by way of a writ petition which was disposed of, which order was subsequently affirmed by a Division Bench in the light of the observation that since an original application was pending before the Land Reforms and Tenancy Tribunal in respect of the recording of the name of private respondent in the Records of Rights, the matter might be canvassed before the Tribunal.
3. By the impugned order, the learned Tribunal, while deciding the plea of inaction on the part of the B.L. & L.R.O., raised by the petitioner regarding the non-disposal of a representation of the petitioner in respect of the rectification of the Records of Rights, upon taking into consideration the affidavit of the

private respondent, directed the B.L. & L.R.O. to decide the representation of the petitioner by giving an opportunity of hearing to the private respondent, if necessary in the light of the affidavit-in-opposition filed by the private respondent before the Tribunal.

4. Learned senior counsel appearing for the petitioner contends that although opportunity was given to the private respondent to canvass his case before the B.L. & L.R.O., the Tribunal did not specifically grant an opportunity to the petitioner to rely on a report filed by the B.L. & L.R.O. himself before the Tribunal, from which it transpires that the version of the petitioner, as regards the respective transfers of the property in the name of different persons including the petitioner, was vindicated.
5. Learned counsel appearing for the private respondents submits, by placing reliance on the relevant observations in the order of the Division Bench, that in the meantime, the property which was transferred to the private respondent has been re-transferred by the private respondent in favour of his wife.
6. Upon hearing learned counsel for the contesting parties as well as learned Senior Government Advocate, we are of the opinion that there is no error in the order of the learned

Tribunal inasmuch as the learned Tribunal directed the B.L. & L.R.O. to dispose of the representation of the writ petitioner subject to the suitability, convenience and authority vested to him under the law after extending opportunity of hearing to interested persons, more particularly, the private respondent.

7. Although, while doing so, the Tribunal specifically observed that the private respondent would be at liberty to put up his defence as available under the law, more particularly described in the affidavit-in-opposition, nowhere within the four corners of the impugned order did the Tribunal restrict any of the parties to rely on all relevant documents, including the report filed by the B.L. & L.R.O. before the Tribunal.
8. As such, by the impugned order, the representation of the writ petitioner was directed to be disposed of upon giving opportunity of hearing to all parties, including the petitioner and the private respondent, and it should be read into the order that such opportunity includes the opportunity to all the interested parties to produce all relevant documents, including the affidavit-in-opposition of the private respondent used before the Tribunal as well as the report filed by the B.L. & L.R.O. before the Tribunal.

9. We further observe that the expression “interested persons” in the impugned order also includes subsequent transferees, if any, and in the event a transfer has been effected by the private respondent in favour of his wife in respect of his share of the property, the wife of the private respondent shall also be given an opportunity of hearing.
10. Accordingly, W.P.L.R.T. 143 of 2025 is disposed of in the light of the above observations without any order as to costs.
11. It is deemed that the time for communicating the order of the Tribunal to the B.L. & L.R.O. stands extended for a further period of six weeks from this date.
12. The parties and the Tribunal shall act on the server copy of this order, duly downloaded from the official website of this court.

I agree.

(Sabyasachi Bhattacharyya, J.)

(Uday Kumar, J.)