

S/L 2
16.09.2025
Court. No. 19
Suwayan

WPA 20705 of 2025

**Sabita Ghosh
Vs.
The State of West Bengal & Ors.**

*Mr. Aritra Palit
Mr. Syed Murshid Alam
Mr. Sk. Nizamuddin
Ms. Barnali Gupta
Mr. Subrat Ghosh
Ms. Amrita Sen*

...for the petitioner.

*Mr. Ayan Banerjee
Mr. Santanu Chatterjee*

...for the State.

1. The affidavit-of-service as filed today on behalf of the writ petitioner is taken on record.
2. By filing the instant writ petition the writ petitioner has prayed for issuance of appropriate writ/writs against the respondents/authorities more specifically against the respondent no. 7/authority commanding him to quash the entry in respect of plot no. 1319 in Mouza – Nandai under P.S. - Kalna.
3. At the time of hearing, Mr. Banerjee, learned Advocate appearing on behalf of the respondents/State and its instrumentalities have raised the point of maintainability of the instant writ petition. Attention of this Court is drawn to Section 54 of the West Bengal Land Reforms Act, 1955 (hereinafter referred to as the 'said Act of 1955' in short). It is submitted by Mr. Banerjee that in the event the writ petitioner is at all aggrieved with the action of the jurisdictional BL&LRO that is the respondent no. 7/authority he has an

alternative remedy as provided under Section 54 of the said Act of 1955.

4. Per contra, learned Advocate appearing on behalf of the writ petitioner in support of his contention draws attention of this Court to page nos. 59 to 62 of the instant writ petition being a copy of the judgment and decree as passed in Title Suit no. 188 of 2015 by the Court of learned Civil Judge (Junior Division) at Kalna. It is submitted on behalf of the writ petitioner that in respect of the property of the writ petitioner particulars of which has been mentioned in paragraph no. 2 of the instant writ petition a decree of declaration was passed in favour of the writ petitioner who is the plaintiff in the said Suit.
5. It is thus submitted on behalf of the writ petitioner that ignoring a decree of declaration as passed by a Civil Court of competent jurisdiction, the jurisdictional BL&LRO is not entitled to record the aforementioned property of the writ petitioner as vested in the State.
6. Such contention is, however, opposed by Mr. Banerjee by saying that in the said suit the State was not a party.
7. On careful consideration of the entire materials as placed before this Court and after hearing the learned Advocates for the contending parties, it reveals to this Court that it is the grievance of the writ petitioner that despite passing a favourable decree in her favour, the jurisdictional BL&LRO most illegally deleted the name of the writ petitioner from the finally published LR RoR and thus the instant writ petition is very much

maintainable and accordingly, appropriate relief/reliefs may be granted to the writ petitioner in terms of the prayers as made in the instant writ petition.

8. On careful perusal of Section 54 of the said Act of 1955 it reveals that it is the clear legislative mandate that against an order passed by a Revenue Officer or Revenue Authority below the rank of a Collector an appeal shall lie to the Collector and in the event an order is passed under the said Act of 1955 by the Collector of a District an appeal lies to the Commissioner.
9. Since in the case in hand the Record of Right has been corrected by the jurisdictional BL&LRO it appears to this Court that the writ petitioner ought to have approached before the jurisdictional Collector in appeal under Section 54 for ventilating his grievance.
10. In view of such, this Court holds that the instant writ petition is not maintainable before this Court.
11. With the aforementioned observation, WPA 20705 of 2025 is hereby dismissed.
12. However, there shall be no order as to costs.
13. Before parting with, it is further made clear that since the writ petitioner is pursuing her remedy in a wrong forum, this Court directs that in the event the writ petitioner approaches the jurisdictional Collector under Section 54 of the West Bengal Land Reforms Act, 1956 the self-same cause of action in appeal, the

said jurisdictional Collector shall entertain such appeal by holding the same within the period of limitation.

14. Urgent Xerox certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Partha Sarathi Sen, J.)