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 146 of 2025

Md. Muzibar Rahaman Laskar and others
Vs.
The State of West Bengal and others

For the petitioners	:	Mr. Shyama Prasad Purkait, Ms. Moumita Mondal
For the State	:	Mr. Sk. Md. Galib, Sr. Govt. Adv., Mr. Tamal Taru Panda
Heard on	:	22.09.2025
Judgment on	:	22.09.2025

Sabyasachi Bhattacharyya, J.:-

1. Affidavit-of-service filed today be kept on record.

2. At the outset, we must appreciate the able assistance rendered and the fair approach taken by the learned Senior Government Advocate.

3. The conspectus of the writ petition is limited. Learned counsel for the petitioners argues that initially a challenge was preferred by the original intermediary against the vesting of certain lands of the said intermediary on the ground that among such lands, purportedly

belonging to the said intermediary, lands of other relatives of the said intermediary were also included erroneously.

4. The matter came up to this Court, when a writ court had directed the Revenue Officer to consider afresh the matter in the light of the representation given by the present writ petitioners with regard to the lands which have been allowed to be retained by the petitioners, particularly on the issue as to whether those lands include lands belonging to other persons, being respondent nos. 5, 6 and 7 as mentioned therein, in which case the Revenue Officer was to consider the same after giving the petitioner a proper opportunity of being heard. Thereafter, it was held, if it was found that no such land had been included within the lands allowed to be retained by the petitioner, the impugned order of the Revenue Officer would stand.

5. With a limited grievance against the said order of the writ court, the writ petitioners preferred an appeal, which was disposed of by a coordinate Bench of this Court by an order dated May 21, 2002, whereby it was clarified that the writ petitioners shall be permitted to file a supplementary return in B form, which would then be considered by the Revenue Officer. Such return was filed by the writ petitioners. Thereafter, several dates of hearing were given and the matter was heard at length. However, subsequently the matter being not concluded over a prolonged period, a challenge was preferred before the learned Tribunal by the writ petitioners.

6. In a status report authored by the Block Land and Land Reforms Officer, Magrahat-I, South 24 Parganas, it was indicated that third party interest had been created in the land and that the records of the case were not traceable. Thereafter, there were repeated directions by the Tribunal, as evident from the annexures to the present writ petition, for reconstruction of the records. The writ petitioners were directed to co-operate with the authorities in that regard. It is submitted that the writ petitioners furnished all documents available with the writ petitioners, sufficient to reconstruct the records. However, ultimately the learned Tribunal, by the order impugned dated February 25, 2025, came to the conclusion that since a proceeding has been initiated in the meantime under Section 14T (3) of the West Bengal Land Reforms Act, 1955 (for short "the 1955 Act"), the conclusion of the said proceeding would provide the "only panacea" for giving relief to the applicants and directed the said proceeding to be disposed of.

7. Learned counsel for the petitioners contends that the proceeding under Section 14T (3) of the 1955 Act is on an entirely different footing than the original vesting order, which was directed to be reconsidered upon furnishing of a supplementary B form by the petitioners.

8. Learned Senior Government Advocate concedes to the extent that the proceeding under Section 14T (3) is a different proceeding.

9. However, on merits, the learned Senior Government Advocate controverts the submissions of the writ petitioners.

10. Upon a careful consideration of the order impugned and the attending circumstances of the case, we are of the considered opinion that a proceeding under Section 14T (3) of the 1955 Act is in the nature of a subsequent revision of the original vesting and a fresh proceeding, as opposed to the reconsideration of the initial vesting contemplated by the previous orders of this Court.

11. The order of the learned Single Judge passed in the initial writ petition, as modified by the Division Bench, was to the effect that the original vesting of the lands of the petitioners was to be reconsidered, after the writ petitioners having filed a supplementary return in B form, on the question as to whether the land of the original intermediary, which was vested, also included the lands of others.

12. Since such consideration was never concluded as per the direction of this Court, the learned Tribunal traversed beyond its jurisdiction in coming to the conclusion that the "panacea" of the writ petitioners lay in the conclusion of the proceeding under Section 14T (3) of the 1955 Act.

13. In fact, no question would arise of the said provision, that is, 14T (3) being applied in the event the initial vesting itself was reopened after such reconsideration. By the previous orders of the writ court and the Division Bench of this Court, the initial vesting itself was directed

to be reopened, upon the writ petitioners having filed a return in a supplementary return in B form. Such supplementary return having already been filed and the writ petitioners having already furnished the relevant documents with the concerned B.L. & L.R.O, the said B.L. & L.R.O (Revenue Officer), was mandated to dispose of the said proceeding first, before conclusion of the Section 14T (3) proceeding, since in view of the conclusive nature of the initial vesting having been diluted by such direction of reconsideration, there cannot arise any subsequent reopening under Section 14T (3), which can only occur upon the initial vesting order having attained finality in the first place.

14. As such, WPLRT 146 of 2025 is allowed on contest, thereby setting aside the impugned order dated February 25, 2025 passed by the Second Bench of the West Bengal Land Reforms and Tenancy Tribunal in O.A. No. 3230 of 2015 (LRTT) and directing the concerned B.L. & L.R.O, Magrahat-I, District: South 24 Parganas to immediately dispose of the supplementary return filed by way of B form by the writ petitioners, pursuant to the direction of the Division Bench of this Court dated May 21, 2002 passed in FMA 124 of 1975.

15. It is expected that such exercise shall be concluded as expeditiously as possible, positively by November 30, 2025, upon giving adequate opportunity of hearing to the petitioners and all interested parties.

16. It is made clear that the writ petitioners shall further co-operate with the concerned B.L. & L.R.O by furnishing further copies of the

available documents, if required for the purpose of comprehensive reconstruction of the records.

17. All parties concerned shall act on the server copy of this order without insisting upon prior production of a certified copy thereof for the purpose of implementation.

18. There will be no order as to costs.

19. 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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