

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 151 of 2025

Sri Ram Nath Santra and others
Vs.
The State of West Bengal and others

For the petitioners : Mr. Shyama Prasad Purkait,
Mr. Pradip Kumar Neogi,
Mr. Anirban Saha,
Mr. Achintya Kr. Biswas

For the State : Mr. Supratim Dhar, Ld. Sr. Adv.,
Mr. Ram Chandra Guchhait

Heard on : 17.09.2025

Judgment on : 17.09.2025

Sabyasachi Bhattacharyya, J.:-

1. Affidavit-of-service filed today be kept on record.
2. The petitioners, under a peculiar predicament, have approached this Court.
3. Initially, the names of the predecessors-in-interest/vendors of the present writ petitioners were recorded in the concerned records of rights in respect of the subject property.

4. Subsequently, however, proceedings for vesting under the provisions of the West Bengal Land Reforms Act, 1955 (hereinafter referred to as “the 1955 Act”) were taken out and a vesting order was passed, all in the name of a deceased person.
5. The said vesting was subsequently set aside by a learned Single Judge of this Court. Leave was also granted to the said predecessors of the present writ petitioners to file appropriate applications for retention of land under Form-7AA of the Rules.
6. However, still thereafter, there was a challenge to the *vires* of several provisions of the 1955 Act, which culminated in an order being passed by a Division Bench. Relying on the same, a learned Single Judge of this Court, vide order dated August 22, 1996 passed in CO 12237 (W) of 1996, observed that in view of the decision of the Division Bench passed on July 26, 1996 in Appeal from Original Order No. 400 of 1992, the petitioners therein or their vendors need not file any return in Form No. 7AA and as such the impugned notice being Annexure ‘B’ to the said writ petition as well as the proceeding started under Section 14T(3) read with Section 14T(10) of the 1955 Act, as amended, which were subsequently initiated, all stand quashed. It was further observed that if any return in Form No. 7AA has already been filed, and if any order of vesting has been passed on such return, that would also not be given effect to and that too would stand quashed.

7. In view of the entire proceedings and subsequent notices being quashed, it is submitted by learned counsel for the writ petitioners that the land was retained by the predecessors-in-interest of the writ petitioners. Subsequently, the writ petitioners purchased a portion of the property from their vendors.
8. Thereafter, the writ petitioners approached this Court since their representation for correction of the records of rights, by reflecting their names was not being decided, whereupon a direction was passed and necessary corrections were effected in the records of rights, thereby recording the names of the present writ petitioners in respect of the portion of the property which was sold to them to the extent of 3.28 acres.
9. However, surprisingly, the writ petitioners discovered thereafter that the names of the writ petitioners had been deleted from the records of rights in respect of the said land, despite their names having been recorded in due process of law previously by virtue of a formal order to that effect being passed by the BL & LRO, without any notice to the writ petitioners or without any proceedings for such correction being undertaken in accordance with law, to the knowledge of the petitioners. Also, the character of the land was shown to be a waterbody.
10. When the writ petitioners approached the appropriate authority, there was inaction on the part of the authority, pursuant to which the writ petitioners made a representation and thereafter, went before the

Tribunal seeking a direction for correction of the records of rights as per the order passed by the learned Single Judge of this Court in W.P. 8749 (W) of 1997.

11. However, the learned Tribunal, by the impugned order, merely directed the representation of the writ petitioners to be considered, without directing appropriate corrections in the records of rights to revert the entries therein back to the position as it was upon the names of the writ petitioners being recorded.
12. From a report dated February 19, 2025 sent by the Assistant Director, WBLRS and B.L. & L.R.O, Bally, Jagacha to the government representative, WBLRTT, filed in connection with the original application of the writ petitioners before the Tribunal, it transpires that the B.L. & L.R.O has placed reliance on the vesting order which was previously set aside by this Court to effect such correction erroneously.
13. Learned Senior Advocate appearing for the State opposes the contentions of the writ petitioners and submits that no illegality or error was committed by the learned Tribunal in passing a direction on the concerned B.L. & L.R.O to consider the representation of the writ petitioners.
14. We find from the prayers made in the original application before the Tribunal that the writ petitioners had primarily sought an appropriate order directing the respondent authorities to correct the relevant records of rights in terms of the order dated May 22, 1998 passed by

the B.L. & L.R.O in connection with a proceeding as per the order passed by this Court in W.P. 8749 (W) of 1997.

15. In view of it being evident from the report authored by the B.L. & L.R.O dated February 19, 2025 that the very premise of the alteration in the record of rights, thereby removing the names of the writ petitioners, was erroneous, since it was based on a vesting order which was already set aside by previous orders of this Court, in our opinion, the learned Tribunal refused to exercise jurisdiction vested in it by law in directing merely the representation of the writ petitioners to be considered by the B.L. & L.R.O instead of directing the B.L. & L.R.O to rectify the record of rights and revert back the names of the writ petitioners in terms of the order of the B.L. & L.R.O dated May 22, 1998, passed in terms of the order of this Court in W.P. 8749 (W) of 1997.
16. Accordingly, WPLRT 151 of 2025 is allowed on contest, thereby setting aside the impugned order dated August 07, 2025 passed by the Fourth Bench of the West Bengal Land Reforms and Tenancy Tribunal in O.A. 2213 of 2024 (LRTT) and directing the respondent no. 4, that is, the Block Land and Land Reforms Officer, Bally, Jagacha, to correct the relevant records of rights and restore the names of the writ petitioners in respect of the property purchased by them in terms of the previous order of the B.L. & L.R.O dated May 22, 1998 passed in terms of the order passed by this Court in W.P. 8749 (W) of 1997 as

expeditiously as possible, positively within one working month from the date of communication of this order to the said respondent.

17. There will be no order as to costs.
18. 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.)