

Form No.J(2)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

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

WPLRT No. 153 of 2025

Gopal Chandra Sardar and another
-vs-
The State of West Bengal and others

For the petitioners : Mr. Subhabrata Datta,
Mr. Debashis Sarkar,
Ms. Priyanka Mondal.

For the State : Sk. Md. Galib, Ld. Sr. Govt. Adv.,
Ms. Munmum Ganguly.

For the respondent
nos. 6 & 7 : Mrs. Pampa Dey (Dhabal),
Ms. Sangita Banerjee,
Ms. Sarbani Dutta.

Heard on : September 22, 2025.

Judgment on : September 22, 2025.

Sabyasachi Bhattacharyya, J.:

1. The writ petitioners are running a hotel on the disputed plot. A Public Interest Litigation (PIL) was filed by the private

respondents, claiming to be public spirited persons and inhabitants of the locality, seeking an earlier logical conclusion to the penal proceedings which had been undertaken under Section 4C (4D) of the West Bengal Land Reforms Act, 1955 (in short “the 1955 Act”) for alleged illegal conversion of several plots, including the plot-in-question.

2. The said Public Interest Litigation was initially disposed of by directing the concerned authority, that is, the BL&LRO, to conclude the proceedings within a limited period. Subsequently, at the behest of the present writ petitioners, the said order was reviewed, thereby carving out a niche of opportunity for the present writ petitioners, to be given opportunity of hearing before such conclusion.
3. Thereafter, the concerned authority disposed of the proceeding upon recording an observation that there was illegal conversion of the disputed plot of land by the writ petitioners.
4. Learned counsel for the writ petitioners argues that the concerned authority, while passing such order, did not take into consideration the provision of Rule 166 of the West Bengal Land Reforms Manual, 1991, which categorically

provides that if the land was converted before March 24, 1986, such conversion could be regularized subsequently.

5. That apart, the documents produced by the writ petitioners before the concerned authority, it is alleged, were not considered while passing the order-in-question.
6. Being thus aggrieved, the writ petitioners filed an Original Application, bearing OA No. 61 of 2024 (LRTT) before the West Bengal Land Reforms and Tenancy Tribunal, which is still pending.
7. During pendency of the same, proceedings were initiated and orders were passed by the authorities for demolition of the constructions made by the writ petitioners on the property-in-question, which was challenged by way of a writ petition, unsuccessfully. The said order of the writ court was affirmed in an appeal, challenging which, a Special Leave Petition (SLP) was preferred by the writ petitioners, which culminated in an order of *status quo* being passed till disposal of the Original Application, along with a direction on the learned Tribunal to dispose of the Original Application on merits within a period of six months.

8. Thereafter, an interlocutory application, bearing MA No. 1619 of 2024, was filed by the private respondent nos. 6 and 7 herein, apparently captioned under Section 16(d) of the West Bengal Land Reforms and Tenancy Tribunal Act, 1997.
9. Learned counsel for the writ petitioners argues that the said provision is one for review and is not applicable to an application which is substantially for addition of the private respondent nos. 6 and 7 as parties to the Original Application.
10. It is further argued that the learned Tribunal erred in law and acted without jurisdiction in allowing such application, thereby directing the respondent nos. 6 and 7 to be impleaded, *inter alia* on the premise that the writ petitioners are in occupation of a portion of the subject land.
11. It is argued that the said stand is contrary to the one taken by them in the Public Interest Litigation.
12. It is also argued on behalf of the writ petitioners that subsequently other Public Interest Litigations were filed by respondent nos. 6 and 7, which were mostly withdrawn by them in view of the contrary stand taken before the Tribunal as to them having personal interest in the property, in order to

obviate any adverse order being passed in the Public Interest Litigations.

13. Learned counsel appearing for the private respondent nos. 6 and 7 controverts that the subsequent writ petitions were withdrawn to suppress anything. It is submitted that such withdrawal was in view of the pendency of the challenge before the Supreme Court.
14. Learned counsel for the writ petitioners places reliance on certain documents, which are annexed to the present writ petition and were produced by the private respondents before the Tribunal, which indicate that the private respondent nos. 6 and 7 herein, the proposed additional parties in the Tribunal, are in occupation of a portion of the property.
15. Learned counsel for the private respondent nos. 6 and 7 also places reliance on paragraph 3(c) of an affidavit-in-reply filed in connection with the application for addition of party before the Tribunal, where it was pleaded that the private respondents are recorded *bargadars* of the concerned plots.
16. Thus, the said interest in the property, it is argued, gives right to the private respondents to be impleaded as parties before the Tribunal.

17. Secondly, it is argued that material points and orders of Court were being suppressed by the writ petitioners before the Tribunal in connection with the Public Interest Litigations, where the respondent nos. 6 and 7 were the complainants, which necessitated the impleadment of the private respondent nos. 6 and 7 as parties to the said proceeding.
18. Heard learned counsel for the writ petitioners, the private respondent nos. 6 and 7 and the State.
19. It transpires that within the four corners of the application for addition of party, not a single statement was made as to the private respondents nos. 6 and 7 being in physical possession of the property-in-question or having title thereto.
20. Although we do not accept the contentions of the writ petitioners that the caption of the addition of party application was erroneous and as such, the application itself was not maintainable, since it is well-settled that the content and prayer, and not the caption, of the application is material, still we cannot give a go-by to the fact that in the application for addition of party itself, which formed the basis of the impugned order, there was no averment as to the private respondent nos. 6 and 7 having any personal interest in the property. It is

for the first time in paragraph 3(c) of the affidavit-in-reply that a handwritten sentence was inserted by pen, stating that Indralal Pramanik, one of the private respondents, is the recorded *bargadar* of plot no. 1683/2171.

21. Apart from the fact that we do not find any signature of the person affirming such affidavit-in-reply against the said sentence inserted by hand, we also find that the said bald statement is insufficient to establish actual physical possession and interest of the private respondents in the disputed plot.
22. More importantly, a gross dichotomy would ensue if such plea of the private respondents is accepted at this stage.
23. All along, the very premise of the Public Interest Litigations filed by the private respondents was that they are public-spirited citizens and being concerned with the environmental hazard being caused by illegal conversion of the concerned plot of land by the present writ petitioners, the private respondents had approached the court under the Public Interest Litigation umbrella.
24. However, it is well-settled that such remedy is available for the purpose of canvassing genuine altruistic causes touching the public interest and having a bearing and ramification in the

public law domain and cannot be abused by persons having direct and personal interest in the subject property to carry out their own agenda in the garb of protecting public interest.

25. If the plea of the private respondents now being sought to be canvassed is to be accepted, it would then follow that private respondent nos. 6 and 7 have a direct and personal interest in the land-in-question and as such, had no *locus standi* whatsoever to maintain the Public Interest Litigations.
26. Thus, the suppression of such fact in the Public Interest Litigations tantamounts to gross suppression of germane and material facts before the Public Interest Litigation Court.
27. The private respondents cannot be permitted to have the cake and eat it too, by reaping the benefits of both worlds. In the same breath, since the private respondents have obtained orders in connection with Public Interest Litigation on the very premise that they were public-spirited citizens having no personal axe to grind, they cannot now be permitted, either in equity or in law, to take a diametrically contrary stand by claiming private and direct interest in the plots-in-question.
28. Doing the same would tantamount to put the endorsement and seal of the Tribunal and/or the court to a patent illegality

and material suppression perpetrated by the private respondents.

29. Moreover, apart from such contrary stand being not maintainable at this juncture, the hand written insertion claiming to be a *bargadar* in respect of the disputed plot, that too in the affidavit-in-reply in connection with the addition of party application and not the application itself, does not suffice to indicate the exact extent and nature of the interest of the both private respondents in the disputed property.
30. It is well-settled that documents by way of evidence, which are beyond pleadings, cannot be looked into and as such, this Court chooses not to look into the documents sought to be relied on by the private respondents, nor was the Tribunal entitled to do so.
31. Coming to the impugned order, we find that the Tribunal, in a cursory manner, has observed that at the time of hearing, the learned Advocate for the proposed added respondents submitted that the name of one of them (Indralal Pramanik) is mentioned in the RoR as possessor in respect of the subject land.

32. That apart, not a single line has been devoted by the Tribunal to consider the said pleadings to be a premise of adding the private respondents as parties to the litigation pending before the Tribunal, nor has the Tribunal tested the said pleading on the anvil of materials on record and in the context of the earlier contrary stand taken in the Public Interest Litigations filed by the private respondent.s
33. The only substantive reason attributed to the order adding the private respondents as parties is that under Order I Rule 10 of the Code of Civil Procedure, a court can add parties at any stage if their presence is necessary for effective and complete adjudication on the matter, which includes that necessary parties should be included whose presence helps to resolve the questions involved. The Tribunal went on to explain that 'proper parties' means those whose presence, while not strictly essential, helps the court to effectively and completely adjudicate all questions involved in the suit. The tribunal proceeded to observe further that the proposed added respondents were parties were in the Public Interest Litigation and they have knowledge about the orders passed therein,

which might help the Tribunal to adjudicate the matter effectively and completely.

34. Unfortunately, the above grounds are not good grounds for addition of party in a litigation not having *in rem* ramifications in the public law domain or *erga omnes* effect, that is, affecting the interests of third parties.
35. The dispute in the Original Application pending before the Tribunal is exclusively between the State and the writ petitioners insofar as the conversion of the land-in-question is concerned.
36. The mere fact that a Public Interest Litigation was initiated by the private respondents does not entitle the private respondents to have any *locus standi* to be impleaded in such a private dispute, as their addition would expand the scope of the private dispute beyond recognition.
37. Even the Division Bench taking up the Public Interest Litigation, in its order of review, specified that opportunity of hearing was to be given to the writ petitioners only.
38. The mere fact that the present private respondent nos. 6 and 7 might add further inputs to the proceeding by citing the orders of the Public Interest Litigation does not entitle them

automatically to be either necessary or proper parties in the private dispute between the State and the writ petitioners.

39. In any event, it is for the State, if the writ petitioners at all suppress material facts, to bring those matters and all orders passed previously in the Public Interest Litigations before the Tribunal. Even otherwise, since the Special Leave Petition was preferred in connection with a subsequent proceeding where all the materials facts, including the existence of the orders passed in the Public Interest Litigation, were disclosed, the writ petitioners are bound to rely on those, which, *inter alia*, formed the basis of the Special Leave Petition, since status quo was granted in the said Special Leave Petition in their favour. As such, it cannot be said that the Tribunal would remain oblivious of the orders passed in the Public Interest Litigation.

40. In view of the above, we are of the opinion that the learned Tribunal acted *de hors* its jurisdiction in impleading the present private respondent nos. 6 and 7 as necessary and/or proper parties to the litigation pending before the Tribunal, which is a private dispute by its very nature, taking into account a diametrically opposite version being given out by the private

respondents regarding *locus standi* than that taken in their Public Interest Litigations.

41. In view of the above, WPLRT 153 of 2025 is allowed on contest, thereby setting aside the impugned judgment dated August 7, 2025 passed by the West Bengal Land Reforms and Tenancy Tribunal, Third Bench, in MA No. 1619 of 2024 arising out of OA No. 61 of 2024 (LRTT).
42. Accordingly, the impugned order allowing the impleadment of the private respondent nos. 6 and 7 is hereby set aside.
43. It is expected that the learned Tribunal shall proceed as expeditiously as possible in terms of the order of the Hon'ble Supreme Court to decide the Original Application pending before the Tribunal without being prejudiced on merits by any of the observations made above. It is further clarified that it will be open to both the petitioners and the State to place all relevant documents, if not already placed, including the orders passed in the Public Interest Litigation, before the Tribunal to facilitate a proper and comprehensive disposal of the Original Application.
44. There will be no order as to costs.

45. Urgent photostat certified copy of the order, if applied for, be supplied to the parties at an early date.

I agree.

(Sabyasachi Bhattacharyya, J.)

(Uday Kumar, J.)