

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. 168 of 2025

Hasibul @ Md. Hasibur Rahaman and Ors.
Vs.
The State of West Bengal and Ors.

For the petitioners : Mr. Suprobhat Bhattacharya,
Md. Habibur Rahaman, Adv.

For the private respondents : Mr. Goutam Kumar Thakur, Adv.
nos. 6, 7(a) to (d), 8(a) to (d),
9(a) and (b).

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

Heard on : September 24, 2025.

Judgment on : September 24, 2025.

Sabyasachi Bhattacharyya, J.:

1. The present challenge has been preferred against an order of
the West Bengal Land Reforms and Tenancy Tribunal

whereby the learned Tribunal set aside the orders passed by the Sub-Divisional Officer and the appellate authority i.e. the District Land and Land Reforms Officer, annulling the pattas granted in favour of the private respondents.

2. The learned Tribunal, while reversing such annulment of pattas, observed that the private respondents acquired property above the ceiling limit much after the grant of pattas in their favour.
3. It was further observed that the subsequent acquisition of property beyond ceiling limit has no manner of bearing of the earlier grant of patta, at which juncture, the land held by the patta holders were within the ceiling limit as prescribed in the statute.
4. Upon hearing learned counsel for the parties, including the State, we find that there is no illegality in the order of the learned Tribunal inasmuch as the learned Tribunal rightly proceeded on the premise that at the point of time when the pattas in question were granted in favour of the private respondents, i.e. in the year 1976-77, the private respondents held lands well within the ceiling limit. The subsequent acquisition of further property beyond the ceiling limit by the

private respondents does not have any retrospective effect, nullifying the pattas already granted in their favour, whereby vested rights in the subject property had accrued in favour of the private respondents.

5. The petitioners also seeks to argue that a suit for declaration of title filed by the petitioners was initially decreed, but subsequently such decree was set aside by the first appellate court on an appeal being preferred by the State. It is submitted that a second appeal is at present pending against the said judgment of the first appellate court.
6. Be that as it may, as of date, the title of the petitioners has not been established while, on the other hand, the learned Tribunal was justified in reversing the findings of both the authorities i.e. the SDO and the D.L.& L.R.O., on the premise that the said authorities did not take into consideration that the dates of acquisition of property above ceiling limit by the private respondents was much after patta was granted, thereby having no material effect on the grant of patta.
7. In such view of the matter, we do not find any reason to interfere with the impugned judgment of the learned Tribunal.

8. Accordingly, W.P.L.R.T. 168 of 2025 is dismissed on contest, thereby affirming the judgment dated June 13, 2025 passed by the Second Bench, West Bengal Land Reforms and Tenancy Tribunal in O.A. No. 405/2022 (LRTT).
9. There will be no order as to costs.
10. 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.)

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(SSS)