

AD -23
Ct No.16
10.11.2025
(SSS)

WPLRT 177 of 2025

Nazera Begam and Ors.
Vs.
The State of West Bengal and Ors.

Mr. Mukteswar Maity,
Ms. Manika Sarkar, Advs.
.....For the petitioners.

1. Despite notice, none appears for the State.
2. Affidavit of service filed today be kept on record.
3. The petitioners' grievance is that the petitioners are raiyats in respect of the plot in question. However, the petitioners came to know that it has been recorded in the Records of Rights that the petitioners are "patta holders" in respect of the said land.
4. Upon making appropriate application before the B.L. & L.R.O. challenging the same, it came to the notice of the petitioners that there had apparently been a vesting under the West Bengal Estates Acquisition Act, 1953 in respect of the land regarding, which no notice has ever been given to the petitioners.
5. Being so constrained, the petitioners applied for certified copy of the vesting order. In the same

breath, the petitioners also sought for a correction of the Records of Rights.

6. The B.L. & L.R.O., by an order dated January 21, 2025, rejected the said application without assigning any reason whatsoever. Being thus aggrieved, the petitioners moved the Land Reforms and Tenancy Tribunal, which, by the impugned order dated July 29, 2025, recorded that the subject land was vested under conjoint operation of Sections 4 and 5 of the 1953 Act and as such, the question of supplying certified copy of any order does not arise. While so concluding, the learned Tribunal also recorded that it is an admitted fact that the petitioners have already been granted patta over the subject land. However, it is rightly argued by the petitioners that the petitioners have, at no point of time, admitted the grant of patta or even the vesting of the said land in the State. Rather, the petitioners' endeavour before the B.L. & L.R.O. was to apply for a certified copy of the vesting order in order to challenge the same, if any.

7. While agreeing with the first part of the reasoning of the Tribunal in the impugned order, that the vesting under the 1953 Act operates by virtue of Sections 4 and 5 of the said Act and no separate vesting order is required to be passed, at the same time, there has to be a notification

within the contemplation of Section 4 of the 1953 Act for a vesting to occur and the incidents of Section 5 of the said Act to be attracted. Thus, in the event the petitioners are aggrieved with such vesting and wish to challenge the same or have a doubt as to whether such vesting at all took place or not, the appropriate remedy before the petitioners would be to apply before the concerned authority seeking the particulars and if necessary, copies of the notification under Section 4 of the 1953 Act with regard to the plots in question.

8. Moreover, the recording of the Tribunal in the impugned order, that it is an admitted fact that the petitioners have been granted patta over the subject land, being not borne out by the pleadings of the petitioners, is required to be deleted.

9. Accordingly, WPLRT 177 of 2025 is partially allowed, thereby striking off the observation of the learned Tribunal to the effect that it is an admitted fact that the applicants (petitioners herein) have already been granted patta over the subject land. The impugned order dated July 29, 2025 passed by the Learned Third Bench, West Bengal Land Reforms and Tenancy Tribunal in OA 1779/2025 (LRTT) is modified accordingly. Furthermore, liberty is granted to the petitioners to apply before the appropriate authority for the details and particulars, including the date, of the

notification under Section 4 of the West Bengal Estates Acquisition Act, 1953 with regard to the disputed plots as well as seeking copies of the said notification and other relevant connected papers under the Right to Information Act. If such an application is made, the said authorities shall respond to the same in accordance with the said Act at the earliest, preferably within one month from the date of such application being made.

10. There will be no order as to costs.

11. The parties shall act on the certified copy of this order duly downloaded from the official website of this court.

(Sabyasachi Bhattacharyya, J.)

(Supratim Bhattacharya, J.)