

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 Supratim Bhattacharya

W.P.L.R.T. 179 of 2025

**Eastern Coalfields Limited
Vs.
The State of West Bengal and others**

For the petitioners	:	Mr. Amit Kumar Pan Mr. Syed Nurul Arefin
For the State	:	Mr. Lalit Mohan Mahata Mr. Rudranil De
Heard on	:	04.11.2025
Judgment on	:	04.11.2025

Sabyasachi Bhattacharyya, J.:-

1. Affidavit-of-service filed in court today be kept on record.
2. The present challenge arises against an order passed by the Tribunal directing affidavits and refusing to grant any *ad interim* order in connection with an original application filed by the writ petitioner/Eastern Coalfields Limited (ECL) before the Tribunal.

3. It is contended on behalf of the petitioner, that is, ECL that the land-in-question was acquired by the Government of India under the Coal Mines (Nationalization) Act, 1973 (hereinafter referred to as “the 1973 Act”).
4. Thereafter, it was vested in favour of the Eastern Coal Fields by the Government of India under Section 5 of the 1973 Act.
5. As such, it is contended that there was no “transfer” as such in respect of the property in favour of the ECL at any point of time.
6. However, it is alleged that when the ECL approached the concerned authority for the purpose of correction of the records of rights and recording the name of the ECL in place of the previous owner with regard to the said land, instead of granting such mutation, the respondent authorities made a huge demand (by the impugned demand notice) of an amount of Rs.48,97,52,550/- from the ECL for the purpose of coal mining, on the premise that the said amount was the transfer value of the property by the Government of India in favour of the ECL.
7. It is contended that there was never any “transfer” within the contemplation of law and, as such, the said claim is palpably unlawful.

8. Accordingly, the said demand notice as well as inaction on the part of the authorities in correcting the records of rights in the name of ECL was challenged before the Tribunal.
9. Learned counsel submits that the Tribunal ought to have granted interim order; otherwise, the challenge before the Tribunal might be rendered infructuous if third party interests are created and/or the demand made from the petitioner is implemented.
10. Learned AGP appearing for the State submits that the original application is not maintainable since there was no application at any point of time for mutation or correction of records of right before the authority designated by law for entertaining such applications, that is, the concerned Block Land and Land Reforms Officer (BL & LRO).
11. With regard to the demand-in-question, learned AGP places reliance on a letter written on behalf of the ECL to the Principal Secretary, Government of West Bengal, seeking a long term lease in respect of the subject property.
12. As such, it is contended by the State that in view of the long term lease sought, the transfer value was sought to be exacted by the impugned demand.

- 13.** It is, thus, contended that there was no illegality on the part of the State in making such demand in view of the long term lease sought by the ECL itself.
- 14.** Thus, it is reiterated that the original application was not maintainable on either count before the Tribunal.
- 15.** Upon a careful consideration of the materials before us, we find that the two primary reliefs sought before the Tribunal by the ECL were:

 - a) That the demand of money made by the respondents from the petitioner be set aside.
 - b) That the petitioner's name may be mutated in the records.
- 16.** Insofar as the first claim is concerned, such demand was made apparently on the basis of an application for long term lease made on behalf of the ECL, erroneously or otherwise, not coming within the purview of any of the 'Specified Acts' as mentioned in the Land Reforms and Tenancy Tribunal Act, 1997.
- 17.** As such, no challenge lies before the Tribunal on such count.
- 18.** With regard to the second claim, since the petitioner-ECL has not yet approached the concerned designated authority under the governing statute, that is, the BL & LRO, there could not arise any occasion for the Tribunal to direct mutation or correction of records of right at the first instance.

- 19.** Thus, the prayer for such relief was also not maintainable before the Tribunal.
- 20.** Hence, even without going into the merits of the contentions of the parties, we are of the clear opinion that the original application is not maintainable before the Tribunal at all.
- 21.** Thus, to save both parties from unnecessary and long-drawn litigation and the agony of waiting for the fruits of futile legal action, we hereby held that the original application, that is, O.A. 1132 of 2025 (LRTT) pending before the Fourth Bench of the West Bengal Land Reforms and Tenancy Tribunal, is not maintainable in law.
- 22.** Accordingly, O.A. 1132 of 2025(LRTT) is deemed to stand hereby disposed of as not maintainable.
- 23.** The Tribunal will pass consequential orders accordingly on the basis of this order.
- 24.** Leave is granted to the writ petitioner/ECL to approach the appropriate forum/court for challenging the demand of money made by the respondents against the petitioner/ECL, which was one of the subject matters of challenge before the Tribunal.
- 25.** Also, leave is granted to the writ petitioner/ECL to approach the concerned BL &LRO to seek correction of records of right/mutation in its name.

- 26.** If such approaches are made, the concerned forum/court/BL & LRO shall decide the matter in accordance with law upon giving adequate opportunity of hearing to all interested parties independently, without being influenced in any manner by any of the observations made above or by the Tribunal in the impugned order on merits.
- 27.** WPLRT 179 of 2025 is disposed of in the light of the above observations.
- 28.** There will be no order as to costs.
- 29.** Urgent photostat copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Sabyasachi Bhattacharyya, J.)

I agree.

(Supratim Bhattacharya, J.)

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