

D/L.12.
November 25, 2025.
MNS.

WPLRT No. 186 of 2025

Mainul Hoque
Vs.
The State of West Bengal and others

Mr. Debdutta Basu,
Mr. Kingsuk Mondal,
Mr. Pradip Kumar Dundu

... for the petitioner.

Mr. Vivekananda Bose,
Mr. Tirthankar Dey

...for the State.

1. Learned counsel for the petitioner submits that the petitioner purchased the subject property from a big *raiyat* out of the retained land of the said big *raiyat*.
2. Subsequently, the Block Land and Land Reforms Officer (BL&LRO) having vested the property, a challenge was preferred before the concerned Appellate Authority, that is, the District Land and Land Reforms Officer (DL&LRO).
3. By an order dated September 8, 20024, the District Land and Land Reforms Officer (DL&LRO), being the Appellate Authority, recorded that on scrutiny it appeared that the appellant (present petitioner) never received any notice of the vesting case and the vesting order was passed without holding any enquiry as to the physical possession. It was further observed that the Government also did not take possession and the appellant was still in

possession and he was a seasonal poor farmer. The DL&LRO further held an enquiry and having physically verified the possession of the petitioner, and also having examined the registered deed and rent receipt, came to the conclusion that Plot No. 177 of Mouza- Gabgachhi (the subject plot) is in exclusive possession of the present petitioner. On such premise, the DL&LRO was satisfied that the order of vesting passed by the BL&LRO was erroneous and directed that the land involved in the appeal be divested to the appellant.

4. The DL&LRO, being an Appellate Authority under Section 54 of the West Bengal Land Reforms Act, 1955 (in short “the 1955 Act”), further observed that the land be recorded in the name of the appellant (present petitioner) by opening new LR Khatian in the name of the appellant.

5. It is submitted that such order attained finality, having not been challenged before any appropriate forum. However, the BL&LRO did not comply with the same and when approached by the petitioner, the BL&LRO merely recorded that on scrutiny of retained land schedule of *raiyat* with consultation of field enquiry report and the report submitted by the concerned BL&LRO, Habibpur, no “free from encumbrances retained land” schedule was found available to consider such relief. It was also recorded that the present petitioner had failed to produce retained land schedule of BR (free from all encumbrances) on the basis of which relief under Section 14(u)(3) could be explored.

6. Against such order, another appeal has been preferred before the Appellate Authority, that is, the concerned DL&LRO, which is still pending.

7. In such backdrop, the present writ petition has been moved, seeking appropriate directions for the order of the Appellate Authority to be executed.

8. Learned counsel for the respondent authorities rightly points out that this Court does not have jurisdiction under Article 226 of the Constitution of India to directly pass directions as prayed for in the writ petition since, by operation of the West Bengal Land Reforms and Tenancy Tribunal Act, 1997 (hereinafter referred to as “the 1997 Act”), the power previously vested under Article 226 has now been conferred on the concerned Land Reforms and Tenancy Tribunal.

9. As such, we are of the view, by imposing self-imposed restriction in view of the provisions of the 1997 Act, that the appropriate forum for the petitioner would be to move before the concerned Tribunal.

10. However, it is expected that in view of the nature of the narrative as spelt out above, the Appellate Authority would dispose of the appeal expeditiously.

11. At this juncture, learned counsel for the respondent authorities submits that since the writ petition has been held to be not maintainable, no findings on merits ought to be returned by this Court.

12. We agree with such contention of the respondent authorities and make it clear that the Appellate Authority

shall act on the records as available before the same and shall adjudicate the matter in accordance with law.

13. Accordingly WPLRT No. 186 of 2025 is disposed of as not maintainable, by granting liberty to the petitioner to take appropriate recourse before the Tribunal, if the petitioner so deems necessary.

14. There will be no order as to costs.

15. Urgent certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Supratim Bhattacharya, J.) (Sabyasachi Bhattacharyya, J.)