AD -17
Ct No.16
25.11.2025
(SSS)

WPLRT 194 of 2025

Surjya Narayan Nanda Goswami and Ors.
Vs.
State of West Bengal and Ors.

Mr. Sounak Bhattacharya,
Mr. Sounak Mandal,
Mr. Abhirup Halder,
Mr. Anirban Saha Roy,
Ms. Bipasha Bhattacharyya, Advs.
......For the petitioners.

Sk. Md. Galib, Ld. Snr. Govt. Adv.,
Mr. Abu Siddique Mallik, Adv.
....For the State respondents.

1. Affidavit of service filed today be kept on record.

2. The petitioners before this court have preferred a challenge before the West Bengal Land Reforms and Tenancy Tribunal against a notice issued under Sections 57 read with 51A (4) of the West Bengal Land Reforms Act, 1955.

3. During pendency of the original application, the petitioners also applied before the Tribunal for stay/interim orders, which was registered as a miscellaneous application.

4. However, since the said application was not being taken up for hearing by the Tribunal, a writ petition was moved before this court, bearing

WPLRT No. 69 of 2025, which was disposed of by an order dated May 16, 2025 whereby the Tribunal was requested not to grant any unnecessary adjournments and endeavour to dispose of the miscellaneous application fixed on July 22, 2025 either on such date or within a period of a month thereafter.

5. However, learned counsel for the petitioners submits that despite the said order, the Tribunal has kept the said miscellaneous application pending and, by the impugned order, without considering the prayer for ad-interim injunction/stay, fixed the miscellaneous application for hearing as late as on March 3, 2026, thereby exposing the petitioners to the peril of the original application being rendered infructuous.

6. Learned Senior Government Advocate appearing for the State submits that in the meantime, the said notice, which is impugned before the Tribunal, has culminated in a final order passed in a proceeding initiated on the basis of such notice by the Revenue Officer. It is further submitted that the petitioners participated in the said proceeding and as such, cannot resile from such position and persist with the challenge to the notice itself.

7. As regards the interim prayer for stay/injunction is concerned, learned Senior Government Advocate opposes the prayer and submits that since the notice has already reached its culmination and merged in the order passed by the Revenue Officer, the appropriate remedy before the petitioners lay in an appeal. However, such remedy has also become time-barred by now. As such, the prayer for interim order is opposed.

8. Learned counsel for the petitioners, in reply, places reliance on an order dated November 6, 2025 passed in WPA 16704 of 2025 where, in connection with a writ petition in respect of plot no. 378/1020, which is a *bata* plot adjacent to the present plot (plot no. 378), it was recorded by a learned Single Judge of this court that a tender notice was issued by the Patashpur-II Panchayat Samity inviting tenders for the construction of a market complex on plot no. 378/1020. It was clarified by the learned advocate for the State in the said matter that the proposed market complex would be constructed on plot no. 378, which is a vested plot belonging to the State. It was clarified by the learned Single Judge that the Panchayat shall be at liberty to proceed with the project excluding the portion of plot no. 378/1020 which was under the possession of the petitioners in WPA 16704 of 2025.

9. Thus, it is explicit from the observations in the said order that a market complex is proposed to be constructed on the subject plot of the present proceeding i.e. plot no. 378, for which tenders have already been invited. As such, it is submitted that unless immediate protective orders are granted, the challenge before the Tribunal preferred by the petitioners as well as any prospective appeal, if filed against the order of the Revenue Officer, would be rendered infructuous.

10. Upon a perusal of the materials annexed to the present writ petition, we find that the State is justified in submitting that the notice which has been impugned in the original application before the Tribunal, from which the present writ petition has been preferred, has culminated in final orders being passed in Miscellaneous Case No. 589 of 2023, where the petitioners participated.

11. Thus, the original application before the Tribunal, which is a challenge to the notice, which has since merged into the final order in a proceeding filed pursuant to such notice, has been rendered infructuous. Accordingly, there is no scope for grant of any interim order or hearing of any miscellaneous application in connection with the original application itself. However, the remedy of the petitioners would lie in an appeal preferred against the final order passed in

Miscellaneous Case No. 589 of 2023 by the empowered Officer under Section 51A (4) of the WBLR Act, i.e. the concerned B.L. & L.R.O.

12. We take into consideration the delay occasioned by the petitioners due to pendency of the original application at the behest of the petitioners, who might have been under the reasonable misapprehension that in view of the genesis of the proceeding before the Revenue Officer itself being under challenge in the original application, if the original application was allowed, the entire proceeding would be quashed automatically. That apart, the pendency of the present writ petition also consumed some time.

13. Thus, we find sufficient bona fides attributable to the petitioners in labouring under such misconception, which might have been a plausible view.

14. Hence, liberty is granted to the petitioners to prefer an appeal against the final order passed in Miscellaneous Case No. 589 of 2023. If such appeal is filed within a period of three weeks from date, the benefit of Section 14 of the Limitation Act shall be given to the petitioners due to pendency of the original application and the present writ petition in the interregnum.

15. We are also sufficiently satisfied in view of the order dated November 6, 2025 passed in WPA

16704 of 2025 that a strong *prima facie* case for grant of interim order has been made out in view of tenders already having been issued for the proposed market complex, to be constructed on the disputed plot.

16. Accordingly, for the ends of justice, we grant stay of operation of Order no. 9 dated February 9, 2024 passed by the B.L & L.R.O., Patashpur –II in Miscellaneous Case No. 589 of 2023 for a period of six weeks from date or until further orders passed by the appellate authority, if an appeal is preferred within the above stipulated period of three weeks.

17. It is made clear that it would be open to the appellate authority, if an appeal is filed within the period stipulated by us, to vacate, vary, modify and/or extend the above interim order upon giving an opportunity of hearing to both sides.

18. In view of the above observations, OA 3672/2023 (LRTT), along with the connected application bearing MA 1166 of 2024, stand disposed of as infructuous.

19. Accordingly, WPLRT 194 of 2025 is disposed of in the light of the above observations and directions.

20. We further make it clear that it will be open to the present petitioners to raise objections against the notice, which was the genesis of Miscellaneous

Case No. 589 of 2023, in the appeal preferred against the final order passed in the said miscellaneous case.

21. We have not entered into the merits of the matter and it will be open to the concerned appellate authority to decide the appeal, if preferred by the appellants within three weeks from date, independently on its own merits upon giving adequate opportunity to all parties in accordance with law.

22. There shall be no order as to costs.

23. Parties shall act on the server copy of this order, duly downloaded from the official website of this court.

(Sabyasachi Bhattacharyya, J.)

(Supratim Bhattacharya, J.)