

D/L.6.
November 26, 2025.
MNS.

WPLRT No. 195 of 2025

The State of West Bengal and others
Vs.
Narayan Chandra Bhaumik (dead) substituted
By Sikha Rani Bhaumik and others

Sk. Md. Galib, Sr. Govt. Adv.,
Mr. Tanoy Chakraborty

... for the petitioners.

Mr. Supratim Dhar, Sr. Adv.,
Mr. Santimay Bhattacharyya
Mr. Anirban Das

...for the respondent nos. 1 to 4.

1. The present writ petition is a composite challenge to two orders of the West Bengal Land Reforms and Tenancy Tribunal.
2. By the first, it was held by the learned Tribunal that upon the considerations as reflected in the said judgment, it is axiomatic that the Block Land and Land Reforms Officer (BL & LRO), Namkhana, by adopting sophistry, deliberately violated the order of the Tribunal time and again and for insubordination to the SDL & LRO, Kakdwip, the said BL & LRO, Namkhana, is liable to be condemned.
3. Furthermore, the BL & LRO was directed to correct the LR Records of Rights with respect to the subject property and to record the names of the applicants (the present private respondents) accordingly within a period of two months from the date of communication of the order without fail. The DL & LRO, South 24 Parganas, being the

Appropriate Authority, was directed to ensure that the order is duly complied with by the BL & LRO, Namkhana, within the period specified above.

4. By the second impugned order, a review application filed by the State in respect of the first impugned order was rejected and a contempt petition filed by the present private respondents was allowed on contest, thereby directing that the BL & LRO, Namkhana, being the contemnor, to correct the record of rights in favour of the applicants with respect to the subject property within fifteen working days from the date of receipt of the order. The State was directed to ensure retention of the BL & LRO, Namkhana in post until full compliance was achieved.

5. Learned Senior Government Advocate argues that the private respondents are post-vesting transferees and, as such have not acquired any title in the subject plots of land.

6. It is contended that in due process of law within the contemplation of Section 6 of the West Bengal Estates Acquisition Act, 1953 (in short “the 1953 Act”), an exercise was undertaken in respect of vesting of the subject plot of land. Although the original intermediary, namely, Sri Gopal Chandra Hait had apparently filed a Form-B for retention of certain lands, it was ultimately discovered that such Form-B was filed by the heirs of said Gopal Chandra Hait, that too without any signature.

7. In such view of the matter, no proper Form-B having been filed for retention, the subject land stood vested in the State.

8. Learned Senior Government Advocate further submits that the portion of the other land of the said intermediary, which came within the ceiling limit, was permitted to be retained.

9. However, despite such exercise having been concluded, the private respondents/post-vesting purchasers sought to reopen the issue by relying on a purchase deed executed in favour of their predecessor-in-interest allegedly by the intermediary Gopal Chandra Hait. It is argued that on the premise of the same, the post-vesting purchasers sought to mutate their names in the Records of Rights.

10. Upon there being alleged inaction on the part of the BL & LRO, the Land Reforms and Tenancy Tribunal was moved, on which the Tribunal directed the BL & LRO to consider the representation of the private respondents in accordance with law.

11. After several rounds of litigation, the Tribunal lastly granted liberty to the private respondents to have a reference before the concerned Revenue Officer (SDL & LRO) under Section 57B(3) of the 1953 Act.

12. However, the SD & LRO, going beyond his jurisdiction, reopened the vesting/retention process under Section 6 of the 1953 Act and came to the conclusion that Gopal Chandra Hait, the original intermediary, was entitled

to retain the land which has been purchased by the post-vesting transferees.

13. Learned Senior Government Advocate contends that the said order, being without authority and contrary to the proviso to sub-section (3) of Section 57B, is a nullity in the eye of law and as such need not have been challenged by the State at all.

14. However, subsequently, on the premise of the said order of the SDL & LRO, the private respondents moved the Land Reforms and Tenancy Tribunal again. The Tribunal directed the BL & LRO to take appropriate action for correction of LR Records of Rights in favour of the applicants on the basis of Annexure-C to the Original Application with a period of three months from the date of communication of the order, “after giving opportunity of hearing to the applicants and other interested persons, and passing a reasoned order in accordance with law”.

15. It is argued by the State that by such order dated June 16, 2014, the Tribunal reopened the entire issue and left it open for the BL & LRO to independently come to its findings upon an adjudication on merits and in accordance with law, by passing a reasoned order.

16. Subsequently, the private respondents moved the Tribunal time and again, upon which similar directions were passed. However, it is submitted that in all such directions, the Tribunal directed the BL & LRO to adjudicate the issue in accordance with law upon giving hearing to all persons interested, thus, keeping the

adjudication and the issue open for being decided by the BL & LRO. Lastly, the BL & LRO, by an order dated May 26, 2023, pursuant to the direction of the Tribunal, adjudicated the issue by an elaborate and reasoned judgment where it was held, *inter alia*, that the order of the SDL & LRO suffered from inherent lack of jurisdiction and as such is not enforceable. On such premise, the claim of the private respondents for mutation of their names in the LR Records of Rights was rejected.

17. However, the private respondents thereafter moved the Tribunal with an allegation of contempt.

18. The matter was taken up by the Tribunal at the first instance and disposed of by an order dated June 6, 2023, again directing the BL & LRO to decide the matter in accordance with law.

19. Being aggrieved, the present private respondents challenged the same before a Division Bench of this Court, giving rise to WPLRT No. 104 of 2023, which was disposed of by the coordinate Bench on October 3, 2023, which quoted the prayers made before the Tribunal and came to the conclusion that the Tribunal was vested with the jurisdiction to consider as to whether the order of the Tribunal passed in OA No. 762 of 2014, dated June 16, 2014 was carried out or not.

20. In view of the Tribunal having refused to look into such issues as per the Division Bench, the entire proceeding was remanded to the Tribunal with a request to hear out and dispose of the same afresh, preferably within

a period of six months from the date of communication of the order.

21. Pursuant to the said direction, the first impugned order in the present writ petition was passed.

22. Learned Senior Government Advocate contends that in view of the order of the SDL & LRO being a nullity, the BL & LRO complied fully with the order of the Tribunal passed in OA No. 762 of 2014, which had provided the leeway to the BL & LRO to decide the matter in accordance with law upon giving hearing to all interested persons, and arrived at its conclusion that the SDL & LRO's order was a nullity and as such the mutation sought by the applicants/private respondents cannot be granted on the basis thereof.

23. Thus, there was no contempt on the part of the concerned BL & LRO at all.

24. That apart, it is argued by the State that the caustic remarks made by the Tribunal in the first order dated June 28, 2024 were unwarranted, since the BL & LRO had not flouted any order of the Tribunal at all. Moreover, the direction passed by the Tribunal in the first impugned order dated June 28, 2024, for the LR Records of Rights to be corrected in favour of the appellants/ present private respondents, was also *de hors* the law in view of the order of the SDL & LRO being a nullity in the first place.

25. Learned senior counsel appearing for the private respondents vehemently opposes the contentions of the State.

26. It is pointed out that there have already been five previous rounds of litigation and the private respondents have been compelled to run from pillar to post despite having a valid order passed by the SDL & LRO dated October 18, 2004 whereby it was categorically observed that the original intermediary Gopal Chandra Hait, who sold the property in favour of the predecessor-in-interest of the private respondents, was entitled to retain the subject property which was sold to the predecessor of the private respondents.

27. It is contended that in the absence of any challenge to the said order, the same has attained finality.

28. That apart, it is argued that the principles of issue estoppel and res judicata squarely apply inasmuch as the State, before various forums including the Tribunal, has taken a categorical stand by filing a compliance report that they have complied with the order of the Tribunal dated June 16, 2014 passed in OA No. 762 of 2014.

29. It is further pointed out that the superior Officer to the BL & LRO, that is, the DL & LRO had written to the BL & LRO to initiate proceedings for cancellation of the *patta* granted in respect of the subject land in the meantime to third parties, also pursuant to the order of the SDL & LRO referred to above. In view of such steps having been taken and the *patta* granted in favour of third parties having been cancelled, the State cannot now resile from the rest of the order of the SDL & LRO and contend that the same is a nullity. Thus, it is argued that the BL & LRO acted without

jurisdiction in flouting the order of the SDL & LRO, thereby rightly incurring the wrath of the Tribunal in the contempt application.

30. Upon a careful consideration of the contentions of the parties, we find that the order of the SDL & LRO dated October 18, 2004 passed in Miscellaneous Case No. 10 of 2004 was never challenged by the State. As such, in the absence of any special circumstance, the said order has attained finality. However, before coming to such conclusion finally, we are to consider the question raised by the State as to whether the said order was a nullity, being passed without inherent jurisdiction and, as such, can be ignored in law.

31. It is not in dispute that the Tribunal, by one of its orders in the previous rounds of litigation, had granted liberty to the private respondents to refer the matter under Section 57B of the 1953 Act.

32. Such reference was duly made to the SDL & LRO under the said provision.

33. Sub-section 2(b) of Section 57B provides that no Civil Court shall entertain any suit or application concerning any estate, or any right in such estate, if it relates to a dispute involving determination of the question, either expressly or by implication, whether a raiyat or an intermediary, is or is not entitled to retain under the provisions of the Act such land or estate or right in such estate, as the case may be.

34. Sub-section (3) of Section 57B provides that any dispute referred to in clause (b) of sub-section (2) may be

decided by a Revenue Officer not below the rank of an Assistant Settlement Officer, specially empowered by the State Government in this behalf, who shall dispose of the same in such manner as may be prescribed.

35. Thus, the SDL & LRO, being a Revenue Officer as described in sub-section (3) of Section 57B, was empowered to decide the issue involving determination of the questions regarding entitlement of an intermediary to retain the land.

36. The proviso to sub-section (3) of Section 57B, however, says that in deciding a dispute under the said sub-section, the Revenue Officer shall not re-open any matter which has already been enquired into, investigated, determined or decided by the State Government or any authority under the provision of the 1953 Act.

37. Thus, the proviso introduces a legal fetter to a matter, which has already been finally and conclusively determined, being re-opened by dint of the jurisdiction conferred on the Revenue Officer by sub-section (3) of Section 57B.

38. On a comprehensive reading of the above provisions, the nullity argument of the State cannot be accepted since, at best, the State could argue that a legal/factual error was committed by the SDL & LRO by re-opening an issue which has been finally determined. This is not a case where the SDL & LRO did not have inherent jurisdiction, since by virtue of sub-section (3) of Section 57B, jurisdiction is conferred on such officer to decide questions

relating to retention of land by an intermediary. Moreover, it is a mixed question of fact and law as to whether an issue has already been determined or not and, as such, the proviso to sub-section (3) does not comprise of an absolute bar to the determination by the SDL & LRO, which would hit at the roots of the inherent jurisdiction of the SDL & LRO.

39. As such, the order of the SDL & LRO was, at worst, illegal or erroneous in law and not a 'nullity'. Thus, without any challenge having been preferred against the same under sub-section (4) of Section 57B, the said order has attained finality.

40. Viewing the matter from another perspective as well, the vesting and retention of the lands by an intermediary happened under Section 6 of the 1953 Act. Under sub-section (5) of Section 6, an intermediary shall exercise his choice by retention of land under sub-section (1) within such time and in such manner as may be prescribed. Crucially, if no choice is made by him during the said period, the Revenue Officer shall, after giving him an opportunity of being heard, allow him to retain so much of the land as exceed the limits specified in Clauses (c), (d) and (j) of that sub-section.

41. Thus, in the present case, the question as to whether there was a final determination as contemplated in the proviso to sub-section (3) of Section 57B is dependent on whether an opportunity of being heard was given to the intermediary Gopal Chandra Hait even if the said Gopal

Chadra Hait had not filed form B for retention of the lands of his choice. In any event, the statute does not empower the State to complete a vesting process without completion of the exercise under sub-section (5) of Section 6 even if no form B was filed by the intermediary.

42. The plinth of the State's case is that no form B was filed at any point of time by the intermediary and the form filed by his heirs was unsigned.

43. However, it is not the specific case of the State, as reflected from its pleadings before the fora below, that upon such form having not been filed for retention, the exercise as mandated under sub-section (5) of Section 6, by giving opportunity of being heard to the said intermediary and allowing him to retain so much of the land as does not exceed the ceiling limit, was undertaken. Hence, it cannot be said as an absolute proposition that the SDL & LRO did not have power under Section 57B(3) to decide the issue, since it is questionable as to whether the proviso thereto is attracted at all in the present case.

44. We also find the argument of the State as to the order of the Tribunal dated June 16, 2014 passed in OA No. 762 of 2014 having opened up a re-enquiry into the validity of the order of the SD & LRO to be unacceptable.

45. It is to be noted that by the said order, the Tribunal categorically directed the BL & LRO concerned *to take appropriate action for correction of the LR records of rights in favour of the applicants on the basis of the Annexure-C* [emphasis supplied] to the application (Annexure-C being

the order of the SDL & LRO). Thus, the very basis of the direction was to correct the records of rights outright “on the basis of the order of the SDL & LRO”. As such, no leeway to reopen the validity of the order of the SD & LRO could be read into such exercise by the BL & LRO merely by dint of the suffix thereto to the extent that opportunity of hearing was to be given to the applicants and other interested persons and a reasoned order was to be passed. In any event, as rightly argued on behalf of the private respondents, even for the correction of the records of rights as per direction of the Tribunal, the procedural formalities of law of giving hearing to the interested persons had to be given; hence, merely the observation of the Tribunal to grant such opportunity could not be construed to be a re-adjudication on the merits of the SD & LRO order.

46. However, the BL & LRO went against the grain of the said direction, which mandated the BL & LRO to correct the record of rights in terms of the Annexure –C to the original application, that is, the order of the SDL & LRO, by going behind the said order and re-opening all issues, including the order of the SDL & LRO itself, and coming to the conclusion that the SDL & LRO's order itself was a nullity. Thus, the BL & LRO acted patently contrary to the specific direction of the order of the Tribunal dated June 16, 2014.

47. The ambit of remand by the Division Bench on the last occasion was for the Tribunal to consider the original

application of the private respondents afresh, which included prayers for a direction on the BL & LRO to dispose of the mutation application as well as to implement the order passed in OA 762 of 2014.

48. Thus, the Tribunal, by the first impugned order herein, was well within its jurisdiction to direct the BL & LRO to straightaway correct the record of rights in terms of the order of the SDL & LRO dated October 18, 2004.

49. Insofar as the second impugned order is concerned, however, we are of the considered opinion that there might have been a *bona fide* doubt in the mind of the BL & LRO inasmuch as the orders of the Tribunal directing opportunity of hearing to be given to all the interested persons and for the BL & LRO to pass a reasoned order in accordance with law might have been construed to mean a re-hearing on merits.

50. Thus, we cannot say beyond reasonable doubt, which is the parameter of ascertaining as to whether there is a contempt of court, that the BL & LRO deliberately flouted the orders of the Tribunal. In fact, the order passed by the BL & LRO, for which the BL & LRO is being hauled up, was otherwise a well-reasoned order, complying with the direction of the Tribunal to such limited extent. Thus, we cannot say that the BL & LRO was guilty of contempt.

51. Hence, WPLRT 195 of 2025 is disposed of by affirming the first impugned order dated June 28, 2024 passed in OA 1319 of 2022 (LRTT) but expunging the remarks in the second impugned order dated September

15, 2025 passed in MA 1682 of 2024 and MA 311 of 2025 passed in connection with the said OA to the extent that it was observed that the BL & LRO had deliberately flouted the orders of the Tribunal on several occasions.

52. However, the rest of the second impugned order, including the portion of the said order dated September 15, 2025 whereby the BL & LRO was directed to correct the records of rights in favour of the present private respondents, is hereby affirmed. The DL & LRO, South 24 Parganas, in terms of the order dated September 15, 2025, shall ensure that the order is duly complied with by the BL & LRO.

53. In view of the pendency of the present writ petition for so long before this Court, we extend the time for complying with the said direction by the BL & LRO, Namkhana till December 10, 2025.

54. It is made clear that the rest of the order dated September 15, 2025, apart those portions thereof which have been expunged above, are hereby affirmed.

55. There will be no order as to costs.

56. Urgent certified copies of this order be supplied to the parties on the usual undertakings.

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