

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

Present:
The Hon'ble Justice Debangsu Basak
And
The Hon'ble Justice Md. Shabbar Rashidi

W.P.L.R.T. 127 of 2023

Sri Krishna Pada Bera
vs.
The State of West Bengal & Ors.

For the Petitioner : Mr. Mrinal Kanti Ghosh
Mr. Sudip Sarkar
Mr. Aninda Bhattacharya

For the State : Mr. Somnath Ganguly
Ms. Rupsa Chakraborty

Heard & Judgment on : **June 18, 2025**

DEBANGSU BASAK, J.:-

1. Writ petition is directed against the order dated August 11, 2023 passed in O.A. 189 of 2009 (LRTT).
2. Learned advocate appearing for the writ petitioner submits that a Deed of Gift was executed prior to the initial revenue settlement taking place. Thereafter, a big raiyat case was initiated as against the original raiyat. During the pendency of such big raiyat case, the original raiyat died. Heirs and legal representatives of the original raiyat participated in such proceedings pursuant to an order passed by the High Court in a writ petition. Revised

Form-B was submitted. The concerned Block Land & Land Reforms Officer did not consider the revised Form-B and the Deed of Gift in the correct perspective and proceeded to pass an order adverse to the writ petitioner. Being aggrieved, the writ petitioner appealed therefrom. The appellate authority concurred with the decision of the concerned Block Land & Land Reforms Officer. Being aggrieved, writ petitioner approached the Tribunal resulting in the impugned order.

3. Learned advocate appearing for the writ petitioner submits that in the event, the Deed of Gift is taken into consideration in its correct perspective, then the revised Form-B submitted by the writ petitioner was required to be allowed. According to him, concerned Block Land & Land Reforms Officer, the appellate authority as well as the learned Tribunal erred in not doing so.
4. State is represented.
5. At the commencement of the hearing of the writ petition today, we called upon the writ petitioner to draw our attention to the revised Form-B said to be submitted before the authorities. We called upon the writ petitioner to produce the revised Form-B on the previous date of hearing also. Today, learned advocate appearing for the writ petitioner submits that his client is unable to produce the revised Form-B.
6. Exercise of retention undertaken by the authorities in the big raiyat case culminated in a decision of the concerned Block Land & Land Reforms Officer. Decision was taken after considering the revised Form-B.

7. In order to appreciate the contention of the writ petitioner and to find in their favour, a Court is required to consider the Deed of Gift, the revised Form-B and the decision of the Block Land & Land Reforms Officer simultaneously in order to arrive at the finding as to whether the decision of the concerned Block Land & Land Reforms Officer was correct or not. It is for the writ petitioner to produce evidence in support of his contentions.
8. Revised Form-B is missing at least as on date the revised Form-B is not placed on record before us by the writ petitioner despite opportunity being granted.
9. Consequently, there are no materials on record to establish conclusively that the decision of the concerned Block Land & Land Reforms Officer as affirmed by the appellate authority and concurred to by the impugned order are incorrect.
10. In such circumstances, we find no ground to interfere.
11. **W.P.L.R.T. 127 of 2023 is dismissed** without any order as to costs.

(Debangsu Basak, J.)

12. I agree

S.D.

(Md. Shabbar Rashidi, J.)