

18.08.2025.
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Suman
Ct. 01

IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri
Appellate Side

WPLRT 3 of 2025

Smt. Santa Das Modak and Ors.
Vs.
The State of West Bengal and Ors.

Mr. Partha Pratim Roy
Mr. Debasish Mukhopadhyay
Ms. Madhusri Dutta
Ms. Srishti Sarkar
Ms. Payel Chanda

...for the appellants.

Mr. Nabankur Paul
Ms. Sutapa Sen Paul
Mr. B. Ghosh

...for respondent no.4.

Mr. Subir Kumar Saha
Mr. Momenur Rahman

...for the State

The present writ petition has been filed challenging the legality of the order passed by the learned Tribunal in Original Application No. O.A. 2886 of 2023 (WBLRTT) (hereinafter referred to as the 'O.A.'). The O.A. was disposed of by the learned Tribunal with the following order:

“That the O.A. is hereby allowed on contest without cost. The order dated 14th July, 2023 passed by the Appellate Authority u/s. 54 of the WBLR Act, 1955 is hereby set aside. All proceedings before the B.L.&L.R.O., Rajganj, District Jalpaiguri as initiated vide order dated 14.07.2023 be also stayed.”

Mr. Roy, the learned advocate appearing on behalf of the petitioner, submits that based on a forged document presented by the private respondent, the B.L. & L.R.O. recorded the name of the private respondent in the record of rights in respect of the lands in question, without affording the petitioners, who are the original owners, any opportunity of being heard.

He submits that, challenging the order passed by the B.L. & L.R.O. under Section 50 of the West Bengal Land Reforms Act, 1955 (for short, the 1955 Act), the petitioners preferred a statutory appeal under Section 54 of the 1955 Act. The appeal was disposed of by an order dated July 14, 2023, whereby the order passed by the B.L. & L.R.O. was set aside, and the matter was remanded to the B.L. & L.R.O. with a direction to dispose of the case afresh, in light of the observations made in the order dated July 14, 2023.

The private respondent, he submits, challenged the order passed by the appellate authority by filing an original application, being O.A. 2886 of 2023 (LRTT). The OA was disposed of by the order presently under challenge in this writ petition.

Mr. Roy argues that if the entries in the record of rights are allowed to stand, the petitioners will suffer serious prejudice. Accordingly, it is submitted that the B.L. & L.R.O. be directed to alter the entries in the record of rights and restore them to their original position.

Mr. Rahman, the learned advocate appearing for the State, submits that two suits are pending over the disputes cropped up between the parties regarding the title of the lands. He points out that both suits are presently pending final adjudication before the competent court of law and are yet to be disposed of. He contends that, unless both the suits are disposed of, it would not be appropriate to direct the B.L. & L.R.O. to alter the entries in the record of rights at this stage. He also assures that the State shall also refrain itself from taking any further steps until the suits pending before the competent Court are finally adjudicated.

Mr. Paul, the learned advocate appearing for the private respondent, vehemently opposes the contentions advanced by Mr. Roy. He denies the allegation that the private respondent had presented a forged deed of sale before the B.L. & L.R.O. He claims that, prior to the institution of the suits, the B.L. & L.R.O. had initiated the proceeding and, upon being satisfied with the genuineness of the deed, recorded the name of the private respondent in the record of rights.

Heard the learned advocates. Perused the materials on record placed before us.

Undoubtedly, based on the deed of sale presented by the private respondent, the record of rights was corrected, the existing entries were altered, and the name of the private respondent was recorded as *raiyat* in respect of the

lands in question. However, as noted earlier, the petitioners preferred a statutory appeal challenging the order passed by the B.L. & L.R.O. The appellate authority allowed the appeal, set aside the order of the B.L. & L.R.O., and remanded the matter back for fresh consideration in light of the observations made in its order. However, the remanded proceeding has been stayed by virtue of the order challenged in the present writ petition.

Admittedly, the dispute between the parties has led to the institution of two separate civil suits—one filed by the petitioners and the other by the private respondent. Both suits are currently pending before the competent Court of law. It goes without saying that the record of rights is not a document of title. It cannot decide the title nor can it extinguish the title.

Therefore, it is for the learned Court to decide the question of title, including the issue as to whether the deed of sale presented by the private respondent is forged. The judgments and decrees to be passed by the learned Court below may necessitate further alterations in the record of rights. Unless such determination is made by the competent Court of law, it would not be prudent to direct alteration of the entries in the record of rights at this stage.

Thus, even if the petitioners' contention is accepted at this stage and the B.L. & L.R.O. is directed to amend the entries in the record of rights, such alteration

would not attain finality. Hence, it is prudent to direct both parties, as well as the B.L. & L.R.O., to await the final adjudication of the pending suits. We have also been informed that the learned Court below, by way of a specific interim order, has directed the parties to maintain status quo with regard to the nature, character, and possession of the land in question.

The order impugned in this writ petition indicates that, taking note of the pendency of the aforesaid civil suits, the learned Tribunal directed a stay of further proceedings before the B.L. & L.R.O. We do not find any infirmity or perversity in the order under challenge in this writ petition warranting interference with the same.

Accordingly, the writ petition, being WPLRT 3 of 2025 is, thus, dismissed. However, there shall be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the learned advocate for the parties on usual undertakings.

(Partha Sarathi Chatterjee, J.) (Kausik Chanda, J.)

