

Form No.J(2)

IN THE HIGH COURT AT CALCUTTA  
Constitutional Writ Jurisdiction  
Appellate Side

Present : The Hon'ble Mr. Justice Sabyasachi Bhattacharyya  
&  
The Hon'ble Mr. Justice Supratim Bhattacharya

WPLRT No. 10 of 2026

Asoke Sawoo  
-vs-  
The State of West Bengal and others

For the petitioner : Mr. Balai Lal Sahoo,  
Mr. Amit Bikram Mahata.

For the State : Sk. Md. Galib, Sr. Govt. Adv.,  
Mr. Ziaul Haque

Heard on : February 10, 2026.

Judgment on : February 10, 2026.

**Sabyasachi Bhattacharyya, J.:**

1. Learned counsel for the petitioner argues that the writ petitioner has been recorded to be in possession of the subject plot, bearing plot no. 272, comprised of eleven decimals of land (bastu), all along, from the regime of the CS records and RS records till the LR records of rights.

2. Although initially, in the CS records, the petitioner was recorded to be a permissive occupier, by operation of the West Bengal Estate Acquisition Act, 1953 (in short 'the 1953 Act'), the petitioner became a direct tenant under the State.
3. However, subsequently, when the petitioner, on certain occasions, attempted to deposit rent in respect of the subject property, the concerned authorities refused to accept the same and an impression was given that the land-in-question had vested in the State.
4. Upon being thus apprehensive, the writ petitioner made an application for information in that regard under the Right to Information Act, 2005, before the ADMLR, North 24-Parganas, Barasat. The ADMLR relegated the matter to the BL & LRO, Basirhat-II, who was unsure as to whether the records would be available with the Hasnabad or the Basirhat-I authorities.
5. Thus, the petitioner had to run from pillar to post by approaching all such authorities. Ultimately, meeting a dead end before such authorities since the records of the purported vesting could not be traced out, the petitioner returned to the BL & LRO, Basirhat – II and applied for a certified copy of the relevant papers pertaining to BR Case No. 6 of 1972, which

was the number provided by the said authority. Such application, we are apprised, was made on June 28, 2018.

6. It is submitted by learned counsel for the petitioner that at different points of time, the authority gave out different provisions under which the aforesaid proceeding took place, sometime citing Section 6(1), at others Sections 4 and 5, and on still other occasions Section 10 of the concerned statutes.
7. Be that as it may, ultimately no certified copy having been supplied, the writ petitioner was constrained to move the Land Tribunal seeking a direction on the concerned BL & LRO to furnish such certified copy. However, the Tribunal, by the impugned order dated March 21, 2025, not only rejected the original application of the petitioner but observed that since the writ petitioner was recorded to be in permissive possession under the recorded raiyat, the petitioner did not have *locus standi* to seek a certified copy or raise a challenge regarding the records of the proceeding No. 6 of 1972.
8. It is submitted that not only did the Tribunal pre-judge the issue of purported vesting even before a challenge could be preferred by the petitioner against the same, but also closed the right of the petitioner of getting a certified copy of the BR

Case, which is the least relief which could be granted to the petitioner.

9. The learned Additional Government Pleader, appearing for the State, submits that in view of the status of the petitioner being recorded as a permissive possessor in the CS records of rights, no *locus standi* accrues in favour of the petitioner to challenge the vesting.
10. Upon hearing learned counsel, this Court finds that the impugned order of the Tribunal is palpably *de hors* the law and without jurisdiction.
11. Any and every person has the right to obtain a certified copy, in the least, of any public records.
12. That apart, the writ petitioner, being in possession of the property, which is not disputed by any authority till date, has all the more a vested interest in obtaining a certified copy of the purported BR Case No. 6 of 1972, in order to enable the petitioner to prefer a challenge against the same.
13. Moreover, it was premature on the part of the Tribunal to hold that the petitioner does not have *locus standi* to challenge the purported vesting, merely on the basis of the recording in the CS records that the petitioner was permissive possessor,

since by operation of the 1953 Act, the petitioner ought to have become a direct tenant under the State unless, of course, such right was curtailed or taken away by due course of law. Moreover, the petitioner is in occupation of the subject property and by dint of such fact has a direct and vital interest to challenge the purported vesting, if any.

14. Since the said authorities have miserably failed till date to furnish any scrap of paper, let alone any certified copy, of the alleged vesting proceeding, given out to be BR Case No. 6 of 1972, and as the petitioner has been in possession of the subject property upon paying rent, the obvious corollary could, under normal circumstances, only be that it should be disbelieved that there was ever any such vesting and the petitioner ought to be construed to have become a direct tenant under the State.

15. Be that as it may, at this stage, this Court does not want to return any conclusive finding in that regard.

16. However, since the petitioner has already applied for a certified copy of the purported BR Case No. 6 of 1972, the Tribunal ought to have directed the BL & LRO, Basirhat- II, to

furnish a certified copy as sought by the writ petitioner, in respect of the said proceeding.

17. We make the above observations since the land-in-question is situated within the territorial jurisdiction of the said BL & LRO.

18. Accordingly, WPLRT No. 10 of 2026 is allowed on contest, thereby setting aside the impugned order dated March 21, 2025 passed by the Second Bench, West Bengal Land Reforms and Tenancy Tribunal in OA No. 2674 of 2018 (LRTT) and directing the BL & LRO, Basirhat-II, District North 24 Parganas to supply certified copies, in terms of the application made by the writ petitioner, in respect of the purported proceeding, being BR Case No. 6 of 1972, if necessary upon tracing out the connected papers from his own office and/or the records of any other jurisdiction, including Hasnabad and Basirhat – I, if not available with the office of the BL & LRO, Basirhat-II. In such event, it is expected that the said authorities shall also extend full co-operation.

19. Such exercise shall be completed and such certified copy shall be issued to the writ petitioner within a period of two

months from the date of communication of this order to the BL & LRO, Basirhat – II.

20. In the event no such certified copy is furnished within the above period, it will be construed that there was never any existence of such proceeding, bearing BR Case No. 6 of 1972, and the writ petitioner shall be entitled to proceed on the premise that the writ petitioner has become a direct tenant under the State.
21. In such circumstances, the petitioner shall go on paying the necessary rents/rates and charges/taxes to the appropriate authority of the State, which will be accepted by the said authority without any demur on the issue that the writ petitioner is not a raiyat in respect of the subject property.
22. There will be no order as to costs.
23. Urgent photostat certified copy of the order, if applied for, be supplied to the parties at an early date.

I agree.

**(Sabyasachi Bhattacharyya, J.)**

**(Supratim Bhattacharya, J.)**