

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 8 of 2026

Octagon Plaza Private Limited and another
Vs.
The State of West Bengal and others

For the petitioners	:	Mr. Saptanshu Basu, Sr. Adv.
For the State	:	Mr. Sk. Md. Galib, Sr. Govt. Adv., Mr. Tamal Taru Panda
For the private respondents	:	Mr. Arkadyuti Pahari (via VC), Ms. Gargi Maity, Mr. Alik Mandi
Heard on	:	February 10, 2026.
Judgment on	:	February 10, 2026.

Sabyasachi Bhattacharyya, J.:

1. Affidavit-of-service filed today be kept on record.
2. Learned senior counsel appearing for the petitioners submits that a lease in respect of the subject property was granted in the year 1928 for a period of five years. Subsequently, prior to the coming into force of the Calcutta Thika Tenancy Act, 1949, a *pucca* structure existed on the property. Thus, it is argued that the property could not have been a thika property within the contemplation of the Thika Tenancy Act, as it stood evolved by successive amendments.
3. On a previous occasion, when the matter came up before this Court, a coordinate Bench, by an order dated August 14, 2023 passed in WPLRT 85 of 2023, had directed the Controller to decide the issue as to whether the

subject property is a thika tenancy in accordance with the Calcutta Thika Tenancy Act, 1981.

4. Subsequently, the matter went back to the Thika Controller who held that he did not have the power to adjudicate such issue under the 1981 Act.
5. Being aggrieved, the petitioners moved an original application bearing O.A. No. 762 of 2024 (LRTT) before the West Bengal Land Reforms and Tenancy Tribunal. The learned Tribunal, by the impugned order dated January 06, 2026, held that the legal position is well-settled that when a dispute arises as to whether a property is a thika tenancy and/or whether an occupier is a thika tenant, such dispute squarely falls within the exclusive jurisdiction of the Thika Controller under Section 5(3) of the West Bengal Thika Tenancy (Acquisition & Regulation) Act, 2001.
6. Accordingly, the matter was remitted by the Tribunal back to the Thika Controller, Kolkata to adjudicate the dispute afresh strictly in accordance with law, by exercising powers under Section 5(3) of the 2001 Act, upon giving reasonable opportunity of hearing to all concerned parties and permitting them to file pleadings and documents and to pass a reasoned and speaking order dealing with all issues raised.
7. Having regard to the long pendency of the litigation, the Thika Controller was directed to conclude the entire exercise and pass a final order within a period of three months from the date of communication of the order.
8. Learned senior counsel submits that the petitioners have been running from pillar to post for a prolonged period and the learned Tribunal ought to have concluded the matter by deciding the issue itself, without relegating it further.
9. Upon hearing learned senior counsel for the petitioners as well as the learned Senior Government Advocate appearing for the State and the learned

Advocate appearing for the private respondents, this Court does not find any illegality or irregularity in the order of the Tribunal, since it is under the 2001 Act that power has been vested in the Thika Controller for the first time to adjudicate the issues-in-question between the parties.

10. However, we record the fact that the contentions of the writ petitioners on merits are disputed by learned counsel for the private respondents.
11. Be that as it may, in view of the long time which has elapsed in the meantime, it is expected that the Thika Controller shall decide the issues-in-question strictly in terms of the order of the learned Tribunal, adhering to the timeline as stipulated by the Tribunal.
12. WPLRT 8 of 2026 is accordingly disposed of without interfering with the impugned order dated January 06, 2026 passed by the Second Bench, West Bengal Land Reforms and Tenancy Tribunal in O.A. No. 762 of 2024 (LRTT), in the light of the above observations.
13. There will be no order as to costs.
14. Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

I agree.

(Sabyasachi Bhattacharyya, J.)

(Supratim Bhattacharya, J.)

AD-18
Ct No.16
10.02.2026
(TN)