

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. 12 of 2026

The State of West Bengal and others
-vs-
Afsar Ali Khan

For the petitioners : Sk. Md. Galib, Sr. Govt. Adv.,
Ms. Ashmita Chakraborty

For the respondent : Mr. Amal Krishna Saha,
Mr. Souvik Sarkar

Heard on : February 23, 2026.

Judgment on : February 23, 2026.

Sabyasachi Bhattacharyya, J.:

1. The present challenge has been preferred against certain orders of the West Bengal Land Reforms and Tenancy Tribunal passed in connection with a contempt application.
2. The saga for the respondent started initially when he got a decree declaring his title on April 29, 1967, when Title Suit No.

18 of 1965, instituted by the respondent, was decreed in his favour, thereby declaring his title and granting permanent injunction against the defendants therein, including the State.

3. Subsequently, in 1983, a learned Single Judge of this Court, in CO No. 5817(W) of 1983, was pleased to direct the concerned respondent to correct the records of rights in respect of the land-in-question in accordance with law keeping in view the judgment and decree passed in Title Suit No. 18 of 1965 by the Munsiff, Second Court, Midnapore. Such disposal was to be made within a limited period.
4. Subsequently, two proceedings were initiated, apparently in terms of the direction of the learned Single Judge.
5. However, complaining of further inaction, the private respondent moved the Tribunal by way of OA No. 1117 of 2002 on June 14, 2002. The original application along with the connected miscellaneous cases were disposed of on March 19, 2024, directing the Block Land & Land Reforms Officer (for short, "BL & LRO") to initiate and dispose of a proceeding under Section 44(2a) of the West Bengal Estate Acquisition Act, 1953 ("the 1953 Act") for correction of the records of rights in accordance with law within a period of six months from the date of communication of the order.

6. Subsequently, there was further inaction on the part of the authorities and a contempt application was filed by the respondent. Ultimately the said contempt application, bearing MA No. 15 of 2005, was disposed of on March 19, 2005 on the basis of a purported compliance report, wherein it was stated that the concerned BL & LRO had disposed of the proceeding in respect of Mouza- Keshpal on May 16, 2005, correcting the said records of rights, as well as the proceedings for Mouza- Narayanpur on September 4, 2004, not correcting the records of rights, on the finding that considering the above noted plaint, the said undersigned was of the opinion that Sakhawayat Ali Khan got the decree and the title in the suit plot by misleading the court through suppression and misrepresentation of the facts and further holding that Rejak Ali Khan had failed to produce any paper and document to clarify the above noted points.
7. In an appeal, bearing EA Appeal No. 02 of 2005, preferred against the aforesaid decision, the learned District Judge, as appellate authority, allowed the appeal on March 16, 2016, holding that the decree of a civil court cannot be thrown away in the manner as it had been done by the Revenue Officer during the proceeding. It was further observed that the Hon'ble

High Court had directed the Revenue Officer to consider the judgment passed by the Civil Court.

8. Thereafter, there were several rounds of litigation for apparent non-consideration of the decree of the Civil Court. Ultimately, in terms of the direction of the appellate authority, the Revenue Officer (BL & LRO) re-heard the matter.
9. In the meantime, there was delay in such rehearing, resulting in an order dated February 22, 2021 being passed by the Tribunal in OA No. 326 of 2021, filed by the private respondent, directing the BL & LRO concerned to treat the entire original application as the representation of the applicant (present respondent) for conclusion of the proceeding, pursuant to which a notice was issued, as appearing at page 23 as Annexure-D to the said application, in accordance with law and in terms of the order passed by the learned District Judge, Paschim Medinipur in EA Appeal No. 02 of 2005 as appearing at page 16 onwards of the said original application, as expeditiously as possible, preferably within six months from the date of communication, by giving fair and reasonable opportunity of hearing to the applicant and other interested party if any, if not already concluded in the meantime.

10. Subsequently, a contempt application was taken out by the present respondent before the Tribunal alleging violation of the said parent order dated February 22, 2021.
11. The said parent order was also challenged initially, along with different orders passed in the contempt application, in the present writ petition.
12. However, during arguments today, learned Senior Government Advocate relinquishes his challenge against the parent order and restricts the present challenge to the subsequent orders passed in the contempt application.
13. By the first impugned order, the Tribunal, on July 8, 2025, despite observing that the learned Government representative had emphatically placed her submissions stating *inter alia* that the compliance proceeding passed by the BL & LRO, Kharagpur-1 vide Misc. Case No. 2109 of 2022 dated March 16, 2023 was an appealable order and hence the petitioner may make an appeal before the appropriate authority if aggrieved, proceeded on the premise of a compliance report, which had been called from the alleged contemnor, being the concerned BL & LRO, and on “meticulous scrutiny” of the compliance, found that instead of complying with the order, the BL & LRO had expressed his inability for correction of records

of rights in favour of the petitioner (present private respondent) which, according to the Tribunal, was not acceptable.

14. Accordingly, the alleged contemnor, being the concerned BL & LRO, was directed to correct the records of rights of the subject land in favour of the petitioner therein (private respondent) “without wasting further precious time” for which further time was given to the alleged contemnor / BL & LRO.
15. By the next order dated November 20, 2025, it was observed by the learned Tribunal that the BL & LRO had already initiated a proceeding and a further chance was given to the BL & LRO concerned to conclude the same, reiterating the direction on the BL & LRO to conclude the proceedings within one month from the receipt of the order.
16. By the last impugned order dated January 27, 2026, the Tribunal observed that on scrutiny of the record meticulously, it was found that in E.A Appeal No. 02 of 2005, the order under Section 44(2a) of the 1953 Act was quashed by the EA Tribunal vide judgment dated March 16, 2026 and the judgment was not challenged by the State respondent before any higher forum. Hence, it was observed, it could be said that the judgment of the EA Tribunal is binding upon the State.

17. Terming it to be one side of the coin, the Tribunal proceeded to observe that there was another side to it, being that the State-respondent in general and the BL & LRO in particular have also flouted the direction of the High Court at Calcutta passed in CO No. 5817(W) of 1983, wherein the Hon'ble High Court had been pleased to direct the State-respondent to correct the records of rights in respect of the subject property keeping in view the judgment and the decree passed in Title Suit No. 18 of 1965. It was observed that in spite of that, the State-respondent had flouted the direction on repeated occasions "without any rhyme and reason for which the poor petitioner is in abysmal difficulty".
18. Considering the same, the BL & LRO concerned was once again directed to bring the corrected records on the next date fixed positively, without waiting for approval from the higher authority, failing which exemplary costs would be imposed upon him on the next date fixed.
19. The learned Senior Government Advocate places reliance on an unreported coordinate Bench judgment dated September 22, 2025 passed in WPLRT No. 110 of 2025 where, under similar circumstances, the Bench had observed that since the expressions "in accordance with law" and

“relevant rules existing” found place in the parent order, there was a dilemma involved in the case as to whether there could be two interpretations of the said order.

20. It was ultimately held that since the contempt petition was still pending, it would be premature to direct the alleged contemnor to comply with the parent order in the garb of a contempt application.

21. It is further submitted by the learned Senior Government Advocate that all along the expression “in accordance with law” has been used to qualify the directions of the Tribunal to dispose of the matter by the BL & LRO, thereby leaving it open for the BL & LRO to adjudicate on law the impact of the civil court’s decree.

22. On the other hand, learned counsel for the respondent vehemently opposes the submissions of the State and argues that there is no scope of there being two possible interpretations of the consistent directions passed by different forums.

23. The learned Single Judge, at the first instance, had categorically directed that the corrections in the records of rights had to be made in terms of the decree of the civil court,

which in turn declared the title of the respondent in the subject plot.

24. At every subsequent stage, the Tribunal and/or the appellate authority had categorically directed the civil court's decree to be complied with and the records to be corrected in the name of the present respondent.

25. Thus, the mere use of the expression "in accordance with law" in the parent order referred to the procedural aspect of the matter and did not deviate from the position that the records of rights had to be corrected in the name of the respondent pursuant to the civil court's decree.

26. Hence, by way of deciding the proceeding by observing that the civil court did not have jurisdiction in view of the bar envisaged in law, the BL & LRO patently and deliberately flouted the specific direction of the Tribunal, thus, subjecting himself to the directions passed in the orders impugned herein.

27. It is further submitted by learned counsel appearing for the respondent that the contempt court has a two-fold role, one to execute the parent order and secondly, to punish the contemnor.

28. Heard learned counsel for the parties.

29. Starting with the last submission of the respondent, we are of the opinion that the aforesaid proposition of the respondent cannot be accepted. The contempt court, under no stretch of imagination, can substitute itself as the executing court and/or arrogate to itself the duty of the implementing authority.
30. Secondly, such argument is also misplaced in the present context because in the instant case, the final order which has already been passed by the concerned BL & LRO has gone against the private respondent, refusing to correct the records of rights on the ground that the civil court's decree was passed without jurisdiction, being in the teeth of legal bar, and thus a nullity. Hence, there is no question of execution of the said order against the State.
31. The question which arises is whether the said observation of the BL & LRO, by itself, tantamounts to contempt.
32. We cannot lose sight of the fact that the Tribunal is yet to reach a final conclusion as to whether there has been willful and deliberate violation of the order of the Tribunal.
33. Thus, it is premature at this stage to direct implementation of the parent order sitting in contempt jurisdiction, without even coming to a specific and conclusive finding that an act of contempt has actually been committed by the contemnor.

34. That apart, we should also ascertain whether there was scope of multiple interpretations of the parent order by the Tribunal.
35. To go back in history, the genesis of the entire rigmarole is the decree of the civil court dated April 29, 1967 which did not specifically contain any direction to correct the records of rights but undoubtedly, declared the title of the respondent in respect of the subject plot and granted permanent injunction to protect such title. It also cannot be disputed that the State was definitely a party to the said suit and is bound by such decree.
36. However, the decree, by itself, does not create any right on the respondent to have the records of rights corrected.
37. At best, the declaration of the respondent's title by the civil court would provide the foundational basis for the respondent to seek a correction of the records of rights on the strength of such decree.
38. Next coming to the order passed by the learned Single Judge in CO No. 5817(W) of 1983, we find that even in the said order, there was no specific direction to correct the records of rights *in terms of* the civil court's decree.

39. The exact language used by the learned Single Judge has been quoted in the list of dates furnished by the respondent himself before us.

40. The said direction is as follows :

“I direct the concerned respondent to correct the records of rights in respect of the land in question in accordance with law keeping in view the judgment and decree passed in title suit no. 18 of 1965, 2nd court of Munsif, Midnapore. Such disposal should be made within a period of two months from the date of communication of this order.”

41. Hence, even in the said direction, there were two key expressions used by the learned Single Judge.

42. Noticeably, there was no direct direction on the concerned authority to correct the records of rights outright, but such direction was mellowed with the conjunctive use of the expression “in accordance with law” to qualify it. The use of such expression, thus, left it to the discretion of the authority to interpret and apply the law which, in its perception, was correct and to come to a finding as to whether the correction of the records of rights was justified.

43. More importantly, the direction of the learned Single Judge was not to carry out corrections in the records of rights “in

terms of the civil court's decree", but "keeping in view the judgment and decree passed in Title Suit ...".

44. There is a gulf of difference between the expressions "in terms of" and "keeping in view ". In case of the latter, the decree concerned is merely to be taken into consideration as a component of the adjudication and then the appropriate authority has to decide in accordance with law, while in the case of the former, the leeway before the authority might have been more limited.
45. Thus, even the order of the learned Single Judge, which is the genesis of the entire proceeding, did not direct in unequivocal terms that the records have to be corrected in the name of the respondent, or even "in terms of the decree".
46. Thereafter, the chapter was reopened when it was given out by the BL & LRO that he would initiate a proceeding under Section 44(2a) of the 1953 Act.
47. It is to be noted that the said provision is not a blanket charter for the concerned Revenue Officer to correct the records of rights straightaway. On the contrary, it contemplates an opportunity of hearing to be given to persons interested for reasons to be recorded, thus indicating an exercise in the nature of an adjudicatory function.

48. Even thereafter, in all of the directions passed by every authority thereafter, the expression “in accordance with law” or, alternatively, “after hearing all the interested parties” were used, for example, in the order dated February 15, 2019 passed by the Tribunal In OA No. 3346 of 2018.
49. Even the parent order of the Tribunal dated February 22, 2021, which is now under contempt, did not outright direct the BL & LRO to correct the records of rights in the name of the private respondents, but left it to the BL & LRO to consider the original application filed by the private respondent as a representation in accordance with law and in terms of the order passed by the learned District Judge in EA Appeal No. 02 of 2005, which in turn directed the BL & LRO to adhere to the order of the learned Single Judge of this Court as well as the decree of the civil court.
50. Hence, much scope was given to the concerned BL & LRO to adjudicate on the representation in accordance with law upon its own interpretation of the direction of the learned Single Judge of this Court, read in conjunction with the civil court’s decree.
51. As per our previous discussions, there was an ambiguity and scope of dual interpretation in the order of the learned

Single Judge itself, inasmuch as the expressions “in accordance with law” and “keeping in view the civil court’s decree” were used in the said order.

52. It is not for the Court or the Tribunal, sitting in contempt jurisdiction, to adjudicate on merits the conclusion arrived at by an authority after a quasi-adjudicatory exercise, pursuant to the direction of such Court / Tribunal.

53. As of today, there is no scope of further compliance of the order of the Tribunal, in view of the Tribunal’s parent order having already been implemented by the BL & LRO by consideration of the respondent’s Original Application as a representation in accordance with law, keeping in view the Civil Court’s decree, in consonance with the Tribunal’s direction, ultimately closing the proceeding and coming to a conclusion, thereby giving a terminus to the proceeding.

54. In the event the private respondents are aggrieved by the final order passed by the BL & LRO (which we feel they are legitimately entitled to be, since the order of the BL & LRO *prima facie* appears to be unlawful), the remedy before the private respondents would be to prefer an appropriate challenge by way of an appeal under the appropriate provision of law against such final conclusion of the BL & LRO.

55. However, the Tribunal proceeded on a mistaken notion that by directing correction of the records of rights in the names of the private respondents, it was directing an implementation of its parent order. Rather, the Tribunal went beyond the scope of the parent order itself and beyond its authority as a Contempt Tribunal in passing such order which is even beyond the scope of the parent order and all the earlier directions.
56. Moreover, such direction was premature, as the alleged contemnor cannot be directed to do something, which is even beyond the parent order, on the threat of contempt, even before the Tribunal decides finally on the contempt application.
57. Hence, this Court is of the opinion that in view of there being sufficient scope of multiple interpretations of the parent order and the earlier orders in terms of which the parent order dated February 22, 2021 was passed in OA No. 326 of 2021 (LRTT), the impugned order directing the BL & LRO to correct the records of right in the name of the petitioners was *de hors* the law and beyond the authority of the Tribunal.
58. Accordingly, WPLRT No. 12 of 2026 is allowed on contest, thereby setting aside the impugned orders dated July 8, 2025 and January 7, 2026, passed in MA No. 81 of 2022, arising out of OA No. 326 of 2021 (LRTT) to the extent that the said

orders direct the BL & LRO to correct the records of rights of the subject-land in favour of the petitioner therein (present respondent).

59. It will, however, be open to the learned Tribunal to proceed to decide the contempt application finally in the light of the above observations, as expeditiously as the business of the Tribunal permits.

60. There will be no order as to costs.

61. Urgent photostat certified copy of this judgment, if applied for, be supplied to the parties at an early date.

I agree.

(Sabyasachi Bhattacharyya, J.)

(Supratim Bhattacharya, J.)