

Form No.J(2)

IN THE HIGH COURT AT CALCUTTA
Civil Appellate Jurisdiction
Appellate Side

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

W.P.L.R.T. 14 of 2026

Debashis Dey and Anr.
Vs.
The State of West Bengal and Ors.

For the petitioners : Mr. M. N. Roy,
Mr. G. Halder,
Mr. Biswarup Nandy, Advs.

For the respondents : Sk. Md. Galib, Ld. Snr. Govt. Adv.
Mr. Tamal Taru Panda, Adv.

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 counsel for the petitioners submits that the petitioners have been waiting for a prolonged period to get the fruits of litigation.
3. Initially, being aggrieved by the recording of the subject plot as 'forest' instead of 'danga' in the records of rights, the petitioners moved the appropriate authority for correction of the records.
4. Ultimately, a favourable order having been passed in favour of the petitioners in that regard, the matter came up to this Court, via the appellate authority and the Tribunal, in a challenge preferred by the respondent-State by way of a writ petition. The said writ petition being dismissed, thereby affirming the order of the Tribunal, the present writ petitioners preferred a contempt application before the Tribunal for violation of its order.
5. Meanwhile, the State had preferred a Special Leave petition against the order of this Court whereby the State's writ petition was dismissed and the Tribunal's order was affirmed. However, the said SLP was also dismissed by the Hon'ble Supreme Court by an order dated October 6, 2017.

6. Thereafter, the State took out an application for review of the order of this Court passed in the State's initial writ petition, which was also dismissed. Being aggrieved by the dismissal of the review application before this Court, the State intended to file a further Special Leave Petition.
7. From an order dated September 22, 2025 passed in the earlier SLP, it transpires that the State sought for an adjournment to enable it to file the further SLP against the dismissal of its review application.
8. Learned Senior Government Advocate, appearing for the State, hands over a bunch of papers, including a printout of an email dated December 16, 2025 sent by the learned Advocate for the State in the Supreme Court indicating that a petition for review of the Hon'ble Supreme Court's initial order of dismissal of SLP has been preferred, bearing Diary No. 7208 dated December 12, 2025.
9. Learned counsel for the petitioners submits, by placing reliance on an unreported judgment of the Hon'ble Supreme Court in the matter of *Reliance Industries Limited vs. Vijayan A (Authorised Representative of Securities and Exchange Board of India)*, that the position is different if a substantive appeal is

pending against an order passed by the High Court, which cannot be equated with the pendency of a review petition, the scope of the latter being limited. While in a case of a substantive appeal, the Hon'ble Supreme Court expressed the opinion that contempt proceedings cannot be initiated in view of pendency of such appeal, the said advantage is not available to the order-debtor in case of a review application.

10. Thus, learned counsel submits that the Tribunal may be directed to dispose of the contempt application, pending at the behest of the writ petitioners, at the earliest.
11. Learned Senior Government Advocate opposes such prayer and submits that since a review petition has already been filed with regard to the dismissal of the earlier SLP as well as since the second SLP is still pending, it would not be appropriate for the learned Tribunal to proceed with the hearing of the contempt application.
12. Upon careful consideration of the submissions of parties, we choose to abide by the proposition laid down by the Hon'ble Supreme Court in the order dated November 7, 2022 passed in Contempt Petition (C) No. 570 of 2022 [*Reliance Industries Limited vs. Vijayan A (Authorised Representative of Securities*

and Exchange Board of India)). In the said matter, the Hon'ble Supreme Court, while discussing an observation of a previous Bench of the said Court in *State of J and K vs. Mohd. Yaqoob Khan and Ors.* reported at (1992) 4 SCC 167, to the effect that when the stay application is yet to be heard and decided and disposed of in connection with an appeal against the parent order, the contempt proceedings cannot be initiated, held in no uncertain terms that the pendency of an appeal and/or writ petition along with the stay cannot be equated with pendency of a review petition. In the latter case, there is a final decision by the Court in an appeal and merely because the stay application is pending in review petition cannot be a ground to grant stay by the respondent on its own and not to comply with the directions issued by the Hon'ble Supreme Court.

13. Borrowing the said proposition, in the present case, the substantive Special Leave Petition, bearing SLP (C) No. 28736 of 2017 (Diary No. 27716 /2017), preferred by the State against the dismissal of its writ petition on the earlier occasion, was itself dismissed vide order dated October 6, 2017.

14. Subsequently, the State grew wiser and has now taken out a review application before the Hon'ble Supreme Court against the said dismissal of SLP which is pending.
15. On the other hand, despite having preferred an SLP against the order dismissing the State's writ petition, an application for review of the self-same order of the writ Court was preferred by the State, which was also dismissed. Against the said dismissal of the State's review application, the other SLP, bearing SLP No. 44742 of 2025, is also pending before the Hon'ble Supreme Court.
16. Thus, in both the said cases pending before the Hon'ble Supreme Court, the stage is that of review, either by the first Court or by the Hon'ble Supreme Court itself, a substantive adjudication having already culminated in dismissal against the State up to the Hon'ble Supreme Court.
17. Hence, the proposition laid down in *Reliance Industries Limited (supra)* is squarely applicable to the present case, since the substantive challenge to the parent order of the Tribunal has already been turned down thrice – by this Court in the writ petitioner preferred against the same at the first instance and in review at the second, as well as by the Hon'ble

Apex Court of the country in the SLP preferred against this Court's order affirming the same.

18. Repetitive filing of review applications and SLPs against the dismissal of the same by the State does not confer a special right in favour of the State to drag on the contempt proceeding in respect of the parent order of the Tribunal. Hence, following the proposition laid down in (*Reliance Industries Limited*) (*supra*), this Court is of the opinion that there is no impediment in the learned Tribunal taking up the contempt application and taking it to its logical conclusion.
19. Accordingly, WPLRT 14 of 2026 is allowed on contest, thereby requesting the First Bench of the West Bengal Land Reforms and Tenancy Tribunal to take up for consideration and dispose of the contempt application of the writ petitioners, being MA 125 of 2017 (arising out of OA No. 233 of 2011), as expeditiously as possible, preferably within two months from the date of communication of this order to the learned Tribunal, by shifting back the next date already fixed by the Tribunal in order to comply with the above request.
20. There will be no order as to costs.

21. The copies of the orders of the Hon'ble Supreme Court handed over by learned counsel for the writ petitioners as well as the bunch of documents, including communications, handed over by the learned Senior Government Advocate for the State today be kept on record.
22. The parties as well as the learned Tribunal shall act on the server copy of this order, duly downloaded from the official website of this Court.
23. There will be no order as to costs.

I agree.

(Sabyasachi Bhattacharyya, J.)

(Supratim Bhattacharya, J.)

AD-23
Ct No.16
10.02.2026
(SSS)