

**In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

**The Hon'ble Mr. Justice Sabyasachi Bhattacharyya
And
The Hon'ble Mr. Justice Supratim Bhattacharya**

W.P.L.R.T. No. 19 of 2026

**Sridam Mahata and Others
Vs.
The State of West Bengal and Others**

For the petitioners	:	Mr. Balailal Sahoo, Mr. Amit Bikram Mahata, Mr. Aditya Bikram Mahata.
For the State	:	Mr. Chandi Charan De, AGP, Ms. Saswati Chatterjee.
Heard & reserved on	:	02.03.2026
Judgment on	:	10.03.2026

Sabyasachi Bhattacharyya, J.:-

1. The present writ petition has been preferred against a judgment of the West Bengal Land Reforms and Tenancy Tribunal, whereby the learned Tribunal dismissed the Original Application of the writ petitioners, complaining of inaction on the part of the concerned Block Land and Land Development Officer (BL & LRO) in the matter of disposal of the petitioners' representation for correction of the Records of Rights (RoR) in their name.
2. The facts of the case, in a nutshell, are that the subject-land originally belonged to the landlord Rajendra Narayan Singh Deo, who allegedly

settled the property in favour of one Chhutu Mahato and his two brothers, namely Behari Mahato and Kunja Mahato, by dint of an Amalnama. Subsequently, the landlord realised rent from the settlers, granting receipts acknowledging them as *raiyats*. A suit for recovery of arrear rents bearing Rent Suit No. 2056 of 1953-54 was also instituted, acknowledging the said settlement.

3. The petitioners claim that Chhutu Mahato, Behari Mahato and Kunja Mahato (the predecessors-in-interest of the writ petitioners) reclaimed some of the property and converted the land into 'Gora' (cultivable) land and amalgamated some *khas* waste land of the landlord and converted the same into Gora land, cultivating the same. Behari Mahato and Kunja Mahato died intestate, leaving behind their respective legal heirs. During the RS operation, the subject-plot, bearing CS Dag No. 1537, was recorded as RS Plot No. 3561, appertaining to R.S. Khatian No. 411, having an area of 6.36 acres, in the names of Chhutu Mahato, Behari Mahato and Kunja Mahato, who were in actual physical possession in respect of the said land, upon payment of rent and taxes to the prescribed authority. Subsequently, on December 17, 1989, an Amin came from the office of the BL & LRO, Purulia-II and disclosed that the land had vested in the State and possession thereof would be taken soon.
4. The writ petitioners, claiming to be the successors-in-interest of the original settlers, instituted Title Suit No. 10 of 1990 for declaration of their title and permanent injunction, which was decreed on April 19,

1994. The State, one of the defendants in the said suit, challenged the said judgment and decree by preferring an appeal before the learned Civil Judge (Senior Division), Additional Court at Purulia, giving rise to Title Appeal No. 756 of 1994. The said appeal was dismissed on contest by judgment and decree dated February 20, 1999, affirming the decision of the Trial Court. The said decree remains unchallenged and has thus attained finality.

5. Thereafter, the petitioners made several representations before the concerned authority for correction of the RoR in their name on the basis of the judgment and decree passed by the Civil Court. Failing to elicit any response in that regard from the authorities, the petitioners filed applications before the concerned authority under Section 51A of the West Bengal Land Reforms Act, 1955 (hereinafter referred to as “the 1955 Act”) and the concerned authority initiated, on the basis thereof, Objection Case Nos. 1172 of 2019 and 1318 of 2019 respectively.
6. A coordinate Bench of this Court, in WPLRT No. 34 of 2014, directed the concerned Revenue Officer to correct the RoR in the light of the judgment and decree passed by the said Court.
7. A date was fixed on February 3, 2020 in respect of the aforesaid two Objection Cases, but the said cases were not concluded.
8. Being thus constrained, the petitioners filed a further representation for correction of RoR in their names on the basis of the judgment and decree passed by the Civil Court. In view of no steps being taken for disposal of

the same, Original Application No. 3287 of 2024 (LRTT) was filed by the petitioners before the West Bengal Land Reforms and Tenancy Tribunal.

9. However, subsequently, the petitioner submitted before the Tribunal that they intended to withdraw the said Original Application as the representation giving rise to the same suffered from the defect of non-signing by all the interested applicants and prayed for liberty to submit a fresh corrected representation before the concerned BL & LRO for the self-same cause of action, to which the representative of the Government did not raise any objection. Accordingly, OA No. 3287 of 2024 (LRTT) was disposed of as withdrawn *vide* order dated January 21, 2025 on the above terms.
10. Thereafter, a corrected representation was filed by the petitioners, but the authorities again sat tight over the matter, prompting the writ petitioners to move the Tribunal afresh, giving rise to OA No. 2640 of 2025 (LRTT).
11. However, by the impugned judgment dated November 4, 2025, the learned Tribunal dismissed the said application on contest on the premise that the decree passed by the Civil Court was a nullity, in view of the Civil Court having no jurisdiction due to the bar under Section 57B of the West Bengal Estates Acquisition Act, 1953 (for short, “the 1953 Act”).
12. Being aggrieved by the said judgment of the Tribunal, the present writ petition has been preferred.

13. Learned counsel appearing for the petitioners argues, by placing reliance on an unreported judgment of this Court in *WPLRT 3 of 2026 (Naba Kumar Basak Vs. The State of West Bengal and others)* and *WPLRT 5 of 2026 (Jayanta Kumar Basak @ Jayanta Basak and others Vs. The State of West Bengal and others)*, that the Tribunal cannot ignore the decree of the Civil Court at the drop of a hat and such decree is otherwise binding.
14. Thus, it is argued that the learned Tribunal acted without jurisdiction in nullifying the decree of the Civil Court and dismissing the Original Application filed by the writ petitioners.
15. Learned counsel further places reliance on another Division Bench judgment of this Court in the matter of *Sudharani Maity & Ors. vs. State of West Bengal & Ors.*, reported at *2003(1) CHN 1*, where it was held, *inter alia*, that the Tribunal does not have the power to nullify the Civil Court's decree.
16. Next placing reliance on a judgment of a learned Single Judge of this Court in the matter of *Sunil Kumar Laha & Anr. versus The State of West Bengal*, reported at *CAL. LT. 1992(2) HC 274*, it is argued that once the State Government accepts rent from a post-vesting transferee, it cannot backtrack and treat the land as vested land without taking recourse to law after serving notice under Section 10(2) of 1953 Act.
17. It is argued that, in the present case, the State Government accepted rent from the writ petitioners and they were accepted as *raiyyats*. Thus, the State cannot resile from such position and declare the land to be vested.

18. It is next argued by the writ petitioners that the State has taken a stand to the effect that the subject-land is a “forest” within the contemplation of the Bihar Private Forests Act, 1947 (hereinafter referred to as “the Bihar Act”).
19. By placing reliance on the judgments passed by the Civil Courts, learned counsel for the petitioners argues that it was found by both the Trial Court and the Appellate Court that no notification issued under Section 14 of the Bihar Act was produced by the concerned authorities. Since such notification is a *sine qua non* for a land to be declared “private forest” or “private protected forest”, the stand taken by the State that the subject-land is a “forest” cannot be sustained. Learned counsel takes the court through the relevant provisions of the Bihar Act in such context.
20. The learned Additional Government Pleader (AGP) cites an unreported coordinate Bench judgment of this Court in the matter of *WPLRT No. 154 of 2025 (Gorachand Bhunia and others -vs- The State of West Bengal and others)*, which was relied on by the learned Tribunal as well, for the proposition that if a Civil Court’s decree is passed without jurisdiction, the same is a nullity *ab initio* and may not be relied on by the Tribunal. It is argued that, if granted some time, the learned AGP shall endeavour to search whether there is any notification under Section 14 of the Bihar Act in respect of the subject-lands.
21. It is further argued that, in view of the specific bar under Section 57B of the 1953 Act, the Civil Courts did not have jurisdiction to adjudicate on

the disputes with regard to the subject-land. Thus, it is submitted that the learned Tribunal was justified in passing the impugned judgment.

22. Heard learned counsel for the parties.

23. The following issues fall for consideration in the present writ petition:

- (i) *Effect of Civil Courts' decree vis-à-vis the bar under Section 57B of the 1953 Act;*
- (ii) *Applicability of the Bihar Act to the subject-property;*
- (iii) *Whether the State is barred by estoppel from treating the subject-land as vested.*

24. The above issues are decided as follows:

- (i) **Effect of Civil Courts' decree vis-à-vis the bar under Section 57B of the 1953 Act**

25. Two apparently conflicting judgments of this Court have been relied on by the parties respectively. In *Gorachand Bhunia (supra)*¹, this Court held that the Civil Court's decree, being a nullity, cannot be given effect to and/or be construed to override the vesting in favour of the State, whereas in *Naba Kumar Basak (supra)*², the Division Bench had observed that the Civil Court's decree is binding on the Tribunal and cannot be ignored by the latter at the drop of a hat.

26. To resolve the apparent conflict, the contexts of the two judgments are required to be examined.

¹ **WPLRT No. 154 of 2025 (Gorachand Bhunia and others -vs- The State of West Bengal and others)**

² **WPLRT 3 of 2026 (Naba Kumar Basak Vs. The State of West Bengal and others) and WPLRT 5 of 2026 (Jayanta Kumar Basak @ Jayanta Basak and others Vs. The State of West Bengal and others)**

27. In *Gorachand Bhunia (supra)*³, the court was dealing with the decree of a Civil Court in favour of a post-vesting transferee. The said decree was held to be a nullity by operation of Section 57B(2), Clauses (a), (b) and (c) of the 1953 Act, whereas in *Naba Kumar Basak (supra)*⁴, the Civil Court had declared a *Patta* granted in favour of the defendants to be void, being without any foundation. Considering the facts and circumstances of the case, it was held that since the Civil Court had declared the title and possession of the plaintiffs/petitioners, consequentially declaring the *Patta* in favour of the defendants/respondents to be void, the Civil Courts' jurisdiction could not be said to be barred by Section 61 of the 1955 Act. Accordingly, it was also observed that neither the Tribunal nor any authority under the 1955 Act has the power to declare the title or possession of a person, which comes within the exclusive domain of the Civil Court, due to which the decree of the Civil Court is binding and cannot be ignored at the drop of a hat by the Tribunal or by any other forum or authority.

28. In this regard, we are to consider that the 1953 Act and the 1955 Act envisage two different regimes. As noted in *Gorachand Bhunia (supra)*³, upon a notification being issued under Section 4 of the 1953 Act, the effect of the same, as provided under Section 5 of the said Act, would be that the concerned estates would vest in the State free from all incumbrances. Section 57B(2) of the 1953 Act provides that no Civil

³ **WPLRT No. 154 of 2025 (*Gorachand Bhunia and others -vs- The State of West Bengal and others*)**

⁴ **WPLRT 3 of 2026 (*Naba Kumar Basak Vs. The State of West Bengal and others*) and WPLRT 5 of 2026 (*Jayanta Kumar Basak @ Jayanta Basak and others Vs. The State of West Bengal and others*)**

Court shall entertain any suit or application concerning any land or any estate, or any right in such estate, if it relates to—

- (a) alteration of any entry in the record-of-rights finally published, revised, made, corrected or modified under any of the provisions of Chapter V,
- (b) a dispute involving determination of the question, either expressly or by implication, whether a *raiyat* or an intermediary is or is not entitled to retain under the provisions of the said Act such land or estate or right in such estate, as the case may be; or
- (c) any matter which under any of the provisions of the Act is to be, or has already been, enquired into, decided, dealt with or determined by the State Government or any authority specified therein.

29. More importantly, Section 57B(2) provides that any such suit or application which is pending before a Civil Court immediately before the commencement of the West Bengal Estates Acquisition (Second Amendment) Act, 1973 shall abate so far as it relates to all or any of the matters referred to in Clauses (a), (b) or (c).

30. As opposed thereto, a *Patta* under the 1955 Act is granted under Section 49 of the said Act in respect of lands at the disposal of the State Government. Section 61 of the said provides that notwithstanding anything contained in the Code of Civil Procedure or any other law for the time being in force or in any decree, judgment, decision or award of any court, tribunal or authority, no court shall have jurisdiction to determine any question relating to any land or connected with any

matter which is required to be or which has been enquired into or decided by any Revenue Officer or prescribed authority or any officer or authority under the provisions of the 1955 Act.

31. Conspicuously, as opposed to Section 61 of the 1955 Act, which operates as a general bar, Section 57B(2) of the 1953 Act, apart from providing a specific bar in respect of disputes involving determination of the question covered by the said Act, expressly or by implication, stipulates that any suit or application which is pending before a Civil Court with regard to the disputes covered by Clauses (a), (b) or (c) of Section 57B(2) shall *abate* insofar as it relates to any of the said provisions. Thus, whereas the objection as to bar under Section 61 of the 1955 Act can be raised during the pendency of a civil suit and, if decided by the Civil Court in the negative, such decision becomes final and binding between the parties, by operation of Section 57B (2), the suit itself abates, thereby denuding the Civil Court of inherent jurisdiction to pass any decree therein. Even under sub-section (1) of Section 57B of the 1953 Act, if any of the aforesaid matters is in issue before a Civil Court on the date of preparation of Records of Rights under Section 39(1) of the said Act, the civil suit shall be *stayed* and shall, on the expiry of the appeal period prescribed under Section 54(3) of the 1955 Act, the suit shall *abate* so far as it relates to any of the matters specified therein.

32. Thus, the bar under Section 57B of the 1953 Act does not stop at precluding the Civil Court from taking up the issues covered therein but has the further effect of initially staying and thereafter abating the suit

itself if the disputes covered under Clauses (a) to (c) of sub-section (2) of Section 57B are in issue in such suit.

33. Seen in such context, the bar under Section 57B of the 1953 Act is much more comprehensive and denudes the Civil Court of the very jurisdiction to adjudicate on the suit, whereas Section 61 of the 1955 Act does not hit at the root of the jurisdiction of the Civil Court to continue with the hearing and adjudication of the suit itself, since there is nothing in Section 61 of the 1955 Act akin to the provisions of stay and abatement of the suit as stipulated in Section 57B of the 1953 Act.
34. Examining the judgment of this Court in *Gorachand Bhunia (supra)*⁵ from such perspective, it is found that in the said case, the Civil Court had adjudicated on the right, title and interest of a post-vesting transferee, thereby reversing the vesting of the subject-property in the State, which fell specifically within the mischief of the bar contemplated in Section 57B. In view of the specific provisions of Section 57B (2) of the 1953 Act, the suit itself stood abated and, as such, the decree passed therein had to be construed as a nullity.
35. As opposed thereto, in *Naba Kumar Basak (supra)*⁶, the primary relief sought in the suit was a declaration of title and possession and only as a consequential relief the *Patta* granted in favour of the defendant was declared to be void. Moreover, Section 61 did not nullify the effect of the decree inasmuch as the very jurisdiction of the Civil Court was not

⁵ **WPLRT No. 154 of 2025 (*Gorachand Bhunia and others -vs- The State of West Bengal and others*)**

⁶ **WPLRT 3 of 2026 (*Naba Kumar Basak Vs. The State of West Bengal and others*) and WPLRT 5 of 2026 (*Jayanta Kumar Basak @ Jayanta Basak and others Vs. The State of West Bengal and others*)**

denuded by abating the suit itself within the contemplation of Section 61 of the 1955 Act.

36. Moreover, there were certain distinguishing features in *Gorachand Bhunia (supra)*⁷. The court observed that neither the Tribunal nor any authority under the 1955 Act has the power to declare the title or possession of a person, which comes squarely within the exclusive domain of the Civil Court. The court was also considering the power of the Tribunal to direct possession to be delivered to the *Patta*-holder and came to the conclusion that once *Patta* had been granted and possession handed over, the Tribunal lost power, in the event of any subsequent instance of dispossession of the *Patta* holder, to direct restoration of possession again.
37. The said circumstances are not applicable to the instant case, since this is not a case of grant of *Patta* or a bar under Section 61 of the 1955 Act.
38. As opposed thereto, in *Gorachand Bhunia (supra)*⁷, the court was considering the vesting of a land under Sections 4 and 5 of the 1953 Act, which contemplate a complete vesting in the State, upon a notification under Section 4, *free from all incumbrances*.
39. It was observed therein by the Division Bench that for the limited purpose of retention under Section 6 of the 1953 Act, it has been deemed by courts that the right of retention remains to be exercised by the intermediaries, with the limited qualification that for the purpose of retention, the intermediaries may approach the appropriate authority

⁷ **WPLRT No. 154 of 2025 (*Gorachand Bhunia and others -vs- The State of West Bengal and others*)**

later. However, in the said case, it was observed that no case of any application or representation for retention of any land was filed by the original intermediary, in which context it was held that the Civil Court lost jurisdiction in view of the express bar under Section 57B of the 1953 Act, rendering the decree passed by it a nullity *ab initio*.

40. Hence, there is no conflict at all between the propositions laid down in *Gorachand Bhunia (supra)*⁸ and *Naba Kumar Basak (supra)*⁹ respectively, since the two judgments were rendered in different paradigms. The ratio enunciated in *Gorachand Bhunia (supra)*⁸ is not applicable to the present case at all. On the contrary, the ratio laid down in *Naba Kumar Basak (supra)*⁹ is germane for the present consideration, since in the present case, the State has taken a stand that the land was vested under the 1953 Act.

41. The writ petitioners have cited *Sudharani Maity (supra)*¹⁰, where a coordinate Bench of this Court had observed that the Tribunal did not have the power to set at naught a decree of a Civil Court. However, the said judgment was rendered in the context of the facts therein and cannot be said to have laid down a blanket proposition in that regard. Notably, the Division Bench had observed in the said judgment that at the juncture when the Tribunal had passed its judgment, several applications were pending at the behest of the writ petitioners therein for

⁸ **WPLRT No. 154 of 2025 (*Gorachand Bhunia and others -vs- The State of West Bengal and others*)**

⁹ **WPLRT 3 of 2026 (*Naba Kumar Basak Vs. The State of West Bengal and others*) and WPLRT 5 of 2026 (*Jayanta Kumar Basak @ Jayanta Basak and others Vs. The State of West Bengal and others*)**

¹⁰ ***Sudharani Maity & Ors. vs. State of West Bengal & Ors.*, reported at 2003(1) CHN 1**

correction of the entries of the relevant Records of Rights relating to the lands-in-question. In such backdrop, it was held that the Tribunal had exceeded its jurisdiction in passing the impugned judgment without disposing of such applications in the first place.

42. Even otherwise, the judgment in *Sudharani Maity (supra)*¹¹ was rendered in the light of three previous judgments of this Court, which are also worth examination.
43. In the first of such earlier judgments, in the matter of *R.K. Mallick vs. State of West Bengal*, reported at 1975(1) CLJ 154, while deciding the Constitutional validity of Section 57B(2) and Section 44 of the 1953 Act, a learned Single Judge of this Court had held that it is open to any aggrieved party to file a suit if it is found that the determination of rent or status or incidence of a tenancy relating to the Records of Rights was done *in violation of the principles of natural justice* or by an *authority having no jurisdiction in the matter*. It was further observed that a civil suit will not be barred if it is found that the matters coming under Section 57B (2) were made in violation of the principles of natural justice or by an authority not empowered or the *matters not coming within the mischief of the said provision*. In other words, the said decision impliedly recognizes the fact that unless such exceptional circumstances as enumerated therein exist, a civil suit is otherwise barred under Section 57B.

¹¹ ***Sudharani Maity & Ors. vs. State of West Bengal & Ors.*, reported at 2003(1) CHN 1**

- 44.** Again, a coordinate Bench of this Court, in *Tarak Chandra Dholey v. Satyanarain Singh & Anr.*, reported at 1975(2) CLJ 246, held that it could not be said that the Civil Court's jurisdiction has been *completely* taken away to entertain a suit for declaration of title and permanent injunction. It was further held that the Civil Courts have jurisdiction in the matter of disputes *not covered by the three different Clauses of Section 57B (2) of the Act*. The court further observed that in a *suit for establishment of title*, a person is entitled to prove that the adverse entries in the Record of Rights were erroneous. It was further held therein that Clause (a) of Section 57B (2) deprives the Civil Court of its jurisdiction to entertain suits or applications only relating to alteration of an entry in the Record of Rights under Chapter V of the Act but there cannot be any question of excluding the Civil Court's jurisdiction to entertain suits in respect of the matters *which do not arise at all or only incidentally arise for adjudication in such proceedings under Chapter V of the Act*.
- 45.** Thirdly, in *Ayubali Sardar & Anr. vs. Derajuddin Mallick & Ors.*, reported at 1975(2) CLJ 305, it was held that in order to come within the purview of Section 57B (2) (b) of the 1953 Act, the suit itself must relate to a dispute and an adjudication involving determination of a question as to whether the plaintiff, as a *raiyyat* or an intermediary, is or is not entitled to retain the land in suit under the provisions of the Act. Further, for the bar to apply, such a question must arise for determination in the suit and if so arises, the provisions-in-question are not invoked only because

a decree in favour of or against the plaintiff may have some ulterior bearing on what land the plaintiff could claim under the Act.

- 46.** The Division Bench in *Sudharani Maity (supra)*¹² also considered *Union of India vs. K.N. Sankarappa*, reported at (2001) 1 SCC 582, to hold that the Executive or Legislature, without enacting appropriate legislation, cannot set at naught a judicial decree.
- 47.** However, the said judgment was rendered in a completely different context than a specific bar under a statute. In the said judgment, the Hon'ble Supreme Court was considering the Constitutionality of Section 6(1) of the Cinematograph Act, 1952, where a power of revision by the Central Government was provided in respect of decisions of the Appellate Tribunal, which included a judicial member. In such context, the Hon'ble Supreme Court held that it was a travesty of justice and the rule of law, which was a part of the basic structure of the Constitution of India, that the Executive or the Government, on which the decision of a quasi-judicial body is supposed to be binding, would have the power to review and/or revise the decision of a quasi-judicial Board. In such specific context, it was observed that Section 6(1) was *ultra vires* the Constitution.
- 48.** As opposed thereto, the bar under Section 57B of the 1953 Act does not empower the Executive to sit in judgment over a decision of a Civil Court but merely denudes the Civil Court itself of the power to adjudicate on issues covered therein. In the absence of any challenge to the *vires* or

¹² *Sudharani Maity & Ors. vs. State of West Bengal & Ors.*, reported at 2003(1) CHN 1

Constitutionality of the said provision, there is no scope for this Court to venture a foray into such domain.

49. Even in the three judgments considered in *Sudharani Maity (supra)*¹³, the bar under Section 57B (2) was not nullified but specific circumstances exceptions, where the bar to the Civil Court's jurisdiction would not operate absolutely, may be summed up in a nutshell as follows:

- (a) there is a violation of the principles of natural justice;
- (b) the authority passing the decision is not empowered under Section 57B (2);
- (c) the dispute does not come within the mischief of Clauses (a) to (c) of Section 57B (2); and
- (d) the principal prayer in the suit is declaration of title (which the authorities under the relevant statute are not empowered to adjudicate), and the reliefs claimed regarding the records-of-rights are consequential in nature.

50. Thus, by necessary implication, the primacy of the bar under Section 57B (2) was recognized in all other cases.

51. The proposition laid down in *Sudharani Maity (supra)*¹³ has to be read down in the context in which it was delivered and cannot be said to be a blanket proposition nullifying the bar under Section 57B in all cases.

52. Coming to the facts of the present case in the above backdrop, the Civil Courts (both the Trial Court and the Appellate Court), had granted a decree declaring the title and possession of the plaintiffs/petitioners.

¹³ ***Sudharani Maity & Ors. vs. State of West Bengal & Ors.*, reported at 2003(1) CHN 1**

The said jurisdiction, as held in *Tarak Chandra Dholey (supra)*¹⁴ and *Ayubali Sardar (supra)*¹⁵ as well as *Naba Kumar Basak (supra)*¹⁶, comes within the exclusive domain of the Civil Court.

- 53.** Secondly, the adjudication of the Civil Courts was not in respect of disputes specifically covered by Clauses (a) to (c) of Section 57B (2) of the 1953 Act, as enumerated above. As such, in the present case, the Civil Court's decree is binding on the State, which was a party in the said suit. In fact, the specific question of the bar under Section 57B was raised and turned down in the said suit and the connected appeal. The Appellate Court's decree, affirming that of the Trial Court, remains unchallenged and has attained finality. Thus, the same cannot be rendered a nullity by a subsequent pronouncement of the Tribunal. Hence, the reliance of the Tribunal on *Gorachand Bhunia (supra)*¹⁷ is misplaced; rather, the proposition laid down in *Naba Kumar Basak (supra)*¹⁶ would be more apt in the circumstances of the present case.
- 54.** Thus, this issue is decided in favour of the writ petitioners, by holding that the Civil Court's decree is conclusive and binding on the State and the Tribunal, being not covered by the bar under Section 57B(2) of the 1953 Act.

¹⁴ ***Tarak Chandra Dholey v. Satyanarain Singh & Anr.*, reported at 1975(2) CLJ 246**

¹⁵ ***Ayubali Sardar & Anr. vs. Derajuddin Mallick & Ors.*, reported at 1975(2) CLJ 305**

¹⁶ ***WPLRT 3 of 2026 (Naba Kumar Basak Vs. The State of West Bengal and others) and WPLRT 5 of 2026 (Jayanta Kumar Basak @ Jayanta Basak and others Vs. The State of West Bengal and others)***

¹⁷ ***WPLRT No. 154 of 2025 (Gorachand Bhunia and others -vs- The State of West Bengal and others)***

(ii) Applicability of the Bihar Act to the subject-property

- 55.** The State Seeks to rely on the provisions of the Bihar Act to argue that the subject-property was a “forest” under the said Act and, as such, the writ petitioners do not have any right thereto. However, the said argument of the State is a contradiction in terms in view of its stand that the land-in-question has vested in the State. Section 2(a) of the Bihar Act categorically excludes the operation of the said Act to any land which is vested in the Government. Thus, the dual stands taken by the State - that the property vested in the State Government on the one hand and that it is a “forest” covered by the Bihar Act on the other - are mutually exclusive.
- 56.** Section 61 of the 1953 Act provides that on the issue of a notification under Section 60 in respect of “Transferred Territories”, pertaining to territories transferred from the State of Bihar to the State of West Bengal by Section 3 of the Bihar and West Bengal (Transfer of Territories) Act, 1956, the Bihar Land Reforms Act, 1950 shall stand repealed, and the provisions of the 1953 Act would apply *mutatis mutandis*. Going by the said provision, there had to be a previous vesting of the subject-land under the Bihar Land Reforms Act, 1950 for the provisions of the 1953 Act to apply. However, Section 57B (1) of the 1953 Act applies the bar under the said provision where an order has been made under sub-section (1) of Section 39 of the 1953 Act itself. Even Clauses (a) to (c) of sub-section (2) of Section 57B contemplate matters relating to entries in Records of Rights, questions as to the entitlement of retention of land by

raiyats and intermediaries and other *matters within the provisions of the 1953 Act itself*. Section 39(1) of the 1953 Act also provides that subject to the provisions of sub-section (4) thereof, the State Government may, “for carrying out the purposes of *this Act*”, make an order directing preparation of Records of Rights.

- 57.** Thus, since the present lands come under the category of transferred territories, Section 61 would apply *mutatis mutandis* and the bar under Section 57B, which is only applicable to orders made or action taken under the 1953 Act itself, are not directly applicable. Such bar would be applicable in terms if the vesting itself was under Sections 4 and 5 of the 1953 Act itself.
- 58.** Although the eco-system provided in Sections 60 and 61 of the 1953 Act also comes broadly within “matters within the provisions of” the said Act, the vesting having taken place allegedly under the Bihar Land Reforms Act, 1950, the subject-land would be deemed to vest in the State of West Bengal only by operation of the legal fiction of “Transferred Territories”. On a conjoint reading of Sections 61 and 57B of the 1953 Act, it is evident that the bar under the latter provision is attracted only when the offending action itself, be it vesting, recording of names or the like, takes place under the 1953 Act itself and not under the Bihar Land Reforms Act, 1950 or any other statute. Such view is bolstered by the use of the expression “*mutatis mutandis*” in Section 61, necessarily excluding the applicability of the provisions of the 1953 Act (including the bar under

Section 57B) where the intention of the 1953 Act, as evident from its plain language, is otherwise.

59. From another perspective, both in the suit and the connected appeal, the Civil Courts held categorically that despite getting opportunities, the State failed to produce any notification under Section 14 of the Bihar Act, which is a *sine qua non* for a land to be a 'private forest' under the said Act. The very plinth of the State's case is that the subject-land was a private forest. However, in the absence of any notification in that regard, such claim of the State falls flat. The State got ample time and opportunity, from the institution of the civil suit in the year 1990 till date, to produce such notification under Section 14 of the Bihar Act, if any. Having failed to do so, we are unable to accede to the request of the State at the stage of final hearing of the present writ petition, to grant adjournment for it to further search for such notification. The writ petitioners have been running from pillar to post despite having a decree passed by a competent civil court in their favour from as long back as on April 19, 1994, that too in a suit in which the State itself was a party. Hence, it would be a travesty of justice and abuse of the process of court if, at this stage, such further opportunity is granted to the State.

60. A conjoint reading of Sections 13 and 14 of the Bihar Act makes it abundantly clear that the elements of public interest and a notification under Section 14 are essential pre-requisites of applicability of the said Act to a land. Such a notification has wider ramifications in respect of adherence to principles of natural justice, since Section 15, read with

Clause (c) of Section 14(1), of the Bihar Act affords to “any landlord whose interests are likely to be affected” the opportunity of filing objection and to be heard on the same. However, in the present case, such notification under Section 14 of the Bihar Act is conspicuous by its absence. Furthermore, no ingredient of ‘public interest’, as essentially required under Section 13 of the Bihar Act, has also been made out.

61. In view of the above, the provisions of the Bihar Act are not applicable in the present case at all.
62. Thus, this issue is also decided in favour of the writ petitioners and against the State.

(iii) Whether the State is barred by estoppel from treating the subject-land as vested

63. In *Sunil Kumar Laha (supra)*¹⁸, a learned Single Judge of this Court held that once the State Government accepts rent from a *raiyat*, it cannot backtrack and treat the land as a vested land. In the present case, the predecessors-in-interest of the petitioners as well as the writ petitioners have all along paid rent, which was accepted by the State, thus, accepting the petitioners and the predecessors to be *raiyats*. Accordingly, the names of the predecessors of the writ petitioners were also recorded in the CS Records of Rights. During the RS operations as well, no dispute was raised in that regard. It is only much subsequent thereto, the State has raised a bogey of the subject-land having vested in

¹⁸ ***Sunil Kumar Laha & Anr. versus The State of West Bengal*, reported at CAL. LT. 1992(2) HC 274**

the State. Having once accepted the writ petitioners and their predecessors as *raiyats* by accepting rent from them consistently, the State cannot now resile from such position and do a *volte-face* to claim that the subject-land has vested in it. The principle of *estoppel* squarely applies. Thus, from the Said perspective as well, the claim of the State that the subject-property has vested in its cannot stand the scrutiny of judicial review.

64. As a caveat, it must be noted that this Court is not unmindful of the legal position that the doctrine of Estoppel may not be applicable to the State where only instances of stray and unilateral payment of rent has been shown and/or where the rent is paid to a different authority and under a different statutory regime than that against or under which Estoppel is claimed.
65. However, in the present case, the Civil Courts have specifically found that that the predecessors-in-interest of the writ petitioners consistently paid rents to the Government for the period between the years 1966 and 1991. Moreover, their names were also recorded as *raiyats* in the C.S. Records-of-rights in respect of the subject-land, which was depicted as 'Danga' (as opposed to 'forest') all along. Such acceptance of rent and recording of their names was done under the aegis of the Land Department of the State, against which Estoppel is claimed, that too within the statutory paradigm of the land laws of the State of West Bengal. Thus, the doctrine of Estoppel squarely applies to the State,

which cannot, all on a sudden, perform a *volte face* and claim the land to have vested in it.

66. This issue is accordingly decided in favour of the writ petitioners as well.

CONCLUSION

67. In view of the above findings, this Court is of the opinion that the learned Tribunal acted palpably without jurisdiction in dismissing the original application of the writ petitioners. Rather, instead of perpetuating the agony of the writ petitioners, the learned Tribunal ought to have directed the concerned BL & LRO outright to correct the entries in the Records of Rights by incorporating the names of the petitioners, instead of rejecting the writ petitioners' Original Application, even without further subjecting them to procedural wrangles by sending the matter back to the concerned BL & LRO for a further reconsideration of the writ petitioners' representation.

68. Accordingly, W.P.L.R.T. No. 19 of 2026 is allowed on contest, thereby setting aside the impugned judgment dated November 4, 2025 passed by the Fourth Bench, West Bengal Land Reforms and Tenancy Tribunal in Original Application No. 2640 of 2025 (LRTT).

69. The Block Land and Land Reforms Officer, Purulia-II (respondent no. 3 herein) is directed to correct the Records-of-Rights in respect of the subject-land by entering the names of the writ petitioners therein and effecting the necessary consequential rectifications to the Records-of-

Rights in respect of the character of the subject-land and the capacity in which the writ petitioners hold the same.

- 70.** Such exercise shall be completed as expeditiously as possible, positively within three months from the date of communication of this order to respondent no. 3.
- 71.** There will be no order as to costs.
- 72.** The parties to the present writ petition and all concerned shall act on the server copy of this judgment, coupled with a covering letter issued by the learned Advocates for the parties, if any, for the purpose of compliance, instead of insisting upon prior production of a certified copy of this judgment.
- 73.** Urgent certified copies, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Sabyasachi Bhattacharyya, J.)

I agree.

(Supratim Bhattacharya, J.)