

In the High Court at Calcutta

Constitutional Writ Jurisdiction

Appellate Side

Present :-

The Hon'ble Justice Sabyasachi Bhattacharyya

and

The Hon'ble Justice Supratim Bhattacharya

Case No.

WPLRT 20 of 2026

In the matter of :

BHIM CHARAN TUNG & ORS.

...Petitioners

VS.

STATE OF WEST BENGAL & ORS.

... Respondents

For the Petitioners

:

Mr. B. C. Manna

Ms. Moumita Biswas

...Advocates

For the State Respondents

:

Mr. SoumitraBandyapadhyay,

...Sr. Govt. Advocate

Mr. SrinathSingha

...Advocates

Heard on

:

23.02.2026

Judgment on

:

February 23, 2026.

Sabyasachi Bhattacharyya, J. :-

1. Affidavit of service filed today be taken on record.
2. The present writ petition has been preferred against an order dated September 2, 2025 passed by the West Bengal Land Reforms and Tenancy Tribunal, whereby the original application

of the writ petitioners, bearing O.A. No.4110 of 2015 (LRTT), seeking the disposal of a representation of the writ petitioners by the concerned Block Land and Land Reforms Officer (in short, "B.L.&L.R.O."), was dismissed on the ground that there was nothing on record to indicate that the purported representation of the writ petitioners was ever served on the said B.L.&L.R.O.

3. Learned counsel appearing for the writ petitioners submits that in the said original application, a status report was sought and obtained by the Tribunal from the concerned B.L.&L.R.O. and thereafter, there was no scope of dismissing the original application merely on the ground that the representation had not been served on the B.L.&L.R.O.
4. Learned counsel appearing for the petitioners further submits that the writ petitioners claim title to the subject plot by virtue of a deed of purchase of the year 1967. However, in the year 1996, a proceeding was initiated under Section 14T(3) of the West Bengal Land Reforms Act, 1955 against the vendor of the petitioners without any notice to the present writ petitioners, who were by then already *Raiyats* in respect of the subject plot by acquisition of title through their purchase deed.
5. Accordingly, a writ petition was filed where an order of stay was passed. However, learned counsel submits that the records of

the said writ petition could not be traced out later. As such, no material has been produced before us to ascertain the grounds on which the writ petition was filed and/or the scope of the same.

6. Learned counsel appearing for the writ petitioners also relies on a judgment of a learned Single Judge of this Court in the matter of **Kutubuddin Ahmed vs. The State of West Bengal &Ors.** reported at **1981 (1) CHN 254** for the proposition that for the purpose of determination of ceiling, a *Raiyat* has to be a *Raiyat* as on the relevant date, i.e., the date of enforcement of Chapter IIB of the 1955 Act, namely, February 15, 1971. Thus, in the present case, the vesting of the subject plots in the State without notice to the writ petitioners, who were already *Raiyats* on the relevant date, is alleged to be bad in law.
7. For the self-same proposition, learned counsel for the writ petitioners also cites a co-ordinate Bench judgment of this Court in the matter of **Braja Mohan Choudhury vs. Revenue Officer &Ors.** reported at **1979 (1) CHN 401**.
8. Upon hearing learned counsel for the parties, we find that the learned Trial Tribunal proceeded on the premise that the representation, of which consideration was sought in the original application, was not proved to have been served on the

B.L.&L.R.O.As such, the dismissal of the original application on such ground cannot be otherwise faulted.

9. However, since a status report was called for from the concerned B.L.&L.R.O. and actually filed, we cannot overlook the said status report. Such status report is annexed at page 13 of the present writ petition, from which it appears that a vesting proceeding, being Case No.44 of 1996, was initiated under Sections 14T(3), read with Sections 14T(8), 14T(9) and 14T(10) of the 1955 Act in the name of the *Raiyat* Purusattam Bag (the vendor of the present petitioners) and the said case was disposed of giving full opportunity of being heard to the successors of the said *Raiyat*. Accordingly, the plot was recorded in LR modified (KB) Kh. No.1 and in e-BhuchitraComputerised land records database.
10. Thus, it is borne out by the status report of the B.L.&L.R.O. that the land has already vested in the State pursuant to a proceeding initiated under Section 14T(3) of the 1955 Act in due process of law.
11. Undoubtedly, the writ petitioners might have a genuine arguable case in the event they had acquired the property by way of purchase in the year 1967, i.e., prior to the cut-off date as recognized in the judgments cited by learned counsel for the

writ petitioners, i.e., February 15, 1971, and no notice of the proceeding was served on the present writ petitioners, who would then have been *Raiyats* in respect of the subject plots when such proceeding was initiated.

12. However, availability of the said ground *per se* does not automatically vitiate the vesting order under Section 14T(3) of the 1955 Act.
13. Even in the cited judgments, a challenge had actually been thrown to the vesting orders under Section 14T(3A) [in case of **Kutubuddin Ahmed (supra)**] and under Section 14(S) and 14T of the said Act [in case of **Braja Mohan Choudhury (supra)**].
14. In the present case, in the absence of any challenge having been preferred by the writ petitioners against the vesting order under Section 14T(3) of the said Act, there was no scope for the B.L.&L.R.O. to resile from such vesting and come to any contrary conclusion while disposing of the representation of the writ petitioners. Thus, any 'consideration' of the petitioners' representation would be futile in the teeth of the vesting order.
15. Section 14T(7) of the West Bengal Land Reforms Act, 1955 provides that any person aggrieved by any order made under sub-Section (3) of Section 14T may prefer an appeal under

Section 54 thereof. As such, in the absence of any challenge against the vesting order at the behest of the writ petitioners, the said order has otherwise attained finality.

16. Thus, there is no scope for interference with the order of the learned Tribunal on either count, since there is nothing on record to show that the representation in question was ever served on the B.L.&L.R.O. and also on merits, since there is little or no scope of the B.L.&L.R.O. further adjudicating on the said representation, in view of the status report filed by the B.L.&L.R.O. clearly disclosing the vesting of the subject plots in the State under Section 14T(3) of the said Act.
17. Accordingly, WPLRT 20 of 2026 is dismissed on contest, thereby affirming the impugned order dated September 2, 2025 passed by the Fourth Bench, West Bengal Land Reforms and Tenancy Tribunal in O. A. no.4110 of 2015 (LRTT).
18. However, nothing in this order or the order of the Tribunal impugned herein shall preclude the writ petitioners from preferring an appropriate challenge under Section 54 of the 1955 Act to the vesting order, if the writ petitioners are otherwise entitled in law to prefer such challenge, and subject to the law of limitation.

19. There will be no order as to costs.
20. Urgent certified photostat copies of this judgment and order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Sabyasachi Bhattacharyya, J.)

I agree.

(Supratim Bhattacharya, J.)

23.02.2026
Item No. DL/24
Court No. 16
Asraf, A. R. (Court)