

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 21 of 2026

In the matter of :

FATEMAN BIBI& ORS.

...Petitioners

VS.

THE STATE OF WEST BENGAL & ORS.

... Respondents

For the Petitioners : **Mr. B. C. Manna**
Ms. Moumita Biswas

....Advocates

For the State Respondents : **Mr. ChandiCharan De**
Mr. Anirban Sarkar

...Addl. Govt. Pleader

....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 scope of the challenge in the present writ petition is limited.
3. The learned Tribunal dismissed the original application filed by the present writ petitioners, seeking the disposal of a representation made by the writ petitioners on August 6, 2024 before the Block Land and Land Reforms Officer (in short, "B.L. & L.R.O."), Contai-I.
4. The ground for such dismissal was that previously another original application was filed by the writ petitioners, which was initially dismissed but revived by an order of a co-ordinate Bench of this Court on the self-same cause of action as the present one, seeking disposal of a similar previous representation of the writ petitioners.
5. Thus, it was observed that the remedy of the writ petitioners lay in pursuing the earlier original application.
6. Upon hearing learned counsel for the writ petitioners as well as the learned Additional Government Pleader, we are of the opinion that it would be a futile exercise to relegate the writ petitioners from pillar to post by affirming the impugned order, although technically the learned Tribunal might have been justified in saying that since a similar previous original

application is pending before the Tribunal, a second original application did not lie in the eye of law.

7. At the end of the day, the writ petitioners merely seek a consideration of their representation with regard to correction of records of rights as prayed for by the writ petitioners, by deleting the name of a mosque from the classification of the subject plot in the records of rights.
8. Whatever might be the merits of such prayer, the same is required to be adjudicated by the B.L. & L.R.O. under the appropriate provisions of law.
9. Moreover, by presenting a further representation on August 6, 2024, by necessary implication, the writ petitioners gave a go-by to their previous representations on such count as well as waived the benefit given to them by dint of the order dated April 11, 2019 passed by the co-ordinate Bench in WPLRT 46 of 2019, thereby directing the previous original application of the writ petitioners bearing O. A. no.774 of 2017 (LRTT) to be heard afresh.
10. In view of the waiver of the writ petitioners in respect of the earlier representation and O. A. no.774 of 2017 (LRTT), we deem

the said O. A. no.774 of 2017 (LRTT) to stand disposed of for non-prosecution.

11. In such view of the matter, there cannot be any bar for the concerned B.L. & L.R.O. to decide the representation dated August 6, 2024 now filed by the writ petitioners on its merits.
12. Accordingly, WPLRT 21 of 2026 is disposed of by setting aside the impugned order dated January 6, 2025 passed by the Fourth Bench, West Bengal Land Reforms and Tenancy Tribunal in O. A. no.3116 of 2024(LRTT) and directing the respondent no.4, i.e., the B.L. & L.R.O., Contai- I to dispose of the representation of the writ petitioners dated August 6, 2024, annexed at page 42 of the present writ petition, by a reasoned order as expeditiously as possible, in accordance with law and upon giving adequate opportunity of hearing to all interested persons, including the State, preferably within three months from the date of communication of this order to the respondent no.4.
13. For the purpose of compliance, all parties shall act on the basis of server copy of this order, duly downloaded from the official website of this Court, without insisting upon prior production of a certified copy thereof.
14. There will be no order as to costs.

15. 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/25
Court No. 16
Asraf, A. R. (Court)