

Form No. J(2)

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

WPLRT 23 of 2026

Sekhar Banerjee and others
Vs.
The State of West Bengal and others

For the petitioners : Mr. Partha Pratim Roy

For the State : Mr. Sk. Md. Galib, Sr. Govt. Adv.,
Mr. Abu Siddique Mallik

For the respondent no.6 : Mr. Priyankar Ganguly,
Ms. Pipasa Chakraborty,
Ms. Shalini Bairagi

Heard on : 30.03.2026

Judgment on : 30.03.2026

Sabyasachi Bhattacharyya, J.:-

1. Heard learned counsel for the parties.
2. The present challenge has been preferred against an order whereby the Tribunal, in a challenge against an order passed by the Appellate Authority under Section 54 of the West Bengal Land Reforms Act,

1955 (for short “the 1955 Act), refused to grant ad interim stay of the appellate order which is impugned before the Tribunal.

3. Learned counsel appearing for the petitioners points out that apart from the impugned order being cryptic and devoid of reasons, the Appellate Authority, while passing the order impugned before the Tribunal, did not advert to any document or other material to establish how the property was vested in the State and/or acquired by the State.
4. Thirdly, it is argued that the names of the vendors of the present petitioners, and thereafter the present petitioners, were duly recorded in the records of rights. Furthermore, at the time of purchase by the petitioners, a query was raised before the registration office, where also such query was duly accepted, thereby *prima facie* indicating that there was no dispute as to the title of the petitioners’ vendors as well.
5. Furthermore, the Appellate Authority did not consider any evidence of any hearing being given to the petitioners and/or their vendors before deleting their names from the records of rights and recording the subject property in the name of the State.
6. Upon hearing learned counsel for the parties, we find all the above grounds being acceptable.
7. As rightly pointed out by learned counsel for the petitioners, no reasons were assigned by the learned Tribunal at all while refusing the stay. Also, we find from the Appellate Authority’s order, which is challenged before the Tribunal by the petitioners, that not an iota of evidence or material was adverted to by the Appellate Authority to

indicate as to how the property was vested in or acquired by the State. Also, since the records of rights all along reflected the names of the vendors of the petitioners and thereafter the petitioners, and the registration office *prima facie* accepted a query at the time of purchase by the petitioners, thereby also indicating that there was no dispute regarding the right, title and interest of the petitioners' vendors with regard to the subject properties, we find the refusal of stay by the learned Tribunal not only unjustified but against the tenor of the materials on record as well as the law. Furthermore, the Appellate Authority did not refer to any material to show that any hearing or notice of hearing was given to the petitioners or their vendors prior to altering the records of rights in the name of the State and/or the consequential grant of *patta* in favour of the private respondent.

8. Thus, we find that a sufficiently strong *prima facie* case was made out by the petitioners before the learned Tribunal for grant of stay of the impugned order of the Appellate Authority.
9. Accordingly, the impugned order cannot be sustained.
10. WPLRT 23 of 2026 is allowed on contest, thereby setting aside the impugned order dated January 08, 2026 passed by the Third Bench, West Bengal Land Reforms and Tenancy Tribunal in MA 1593 of 2024 (in connection with OA 3231 of 2024) and granting stay of operation of the order of the Appellate Authority dated October 01, 2024, which is challenged by the petitioners before the Tribunal, till disposal of OA 3231 of 2024. MA 1593 of 2024 is accordingly allowed.

11. It is, however, made clear that the aforesaid findings are tentative and the learned Tribunal shall decide OA 3231 of 2024 in accordance with law and on its own merits without being unduly influenced by any of the observations made above.
12. There will be no order as to costs.
13. Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)

I agree.

(Supratim Bhattacharya, J.)