

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 Md. Shabbar Rashidi

WPLRT 24 of 2026

Alpine Distilleries Pvt. Ltd.
Vs.
State of West Bengal and Ors.

For the petitioner	:	Mr. S. N. Mookherjee, Ld. Snr. Adv., Mr. Ayan Banerjee, Mr. Sanjay Banerjee, Ms. Debasree Dhamali, Mr. Shubhrojyoti Mukherjee, Ms. Riya Ghosh, Ms. Debolina Ghosh, Adv.
For the State	:	Sk. Md. Galib, Ld. Snr. Govt. Adv., Ms. Ashmita Chakraborty, Adv.
Heard on	:	March 5, 2026.
Judgment on	:	March 5, 2026.

Sabyasachi Bhattacharyya, J.:

1. Heard learned counsel for the parties.
2. The present challenge has been preferred at the behest of a prospective land loser, challenging an order of the West Bengal Land Reforms and Tenancy Tribunal, whereby the

learned Tribunal affirmed an order of the appellate authority which, in turn, was preferred against an order of vesting of the subject property, originally belonging to the appellant under Section 14T (3) of the West Bengal Land Reforms Act, 1955 (hereinafter referred to as the “1955 Act”).

3. The brief facts, in a nutshell, are that initially upon a notice being issued within the contemplation of Section 14T (3) of the 1955 Act in respect of the subject land, a challenge was preferred by the petitioner herein before the Tribunal. Upon the Tribunal initially not fixing any date for disposal of the matter, the writ petitioner moved this Court. A coordinate Bench of this Court, while disposing of the said matter, granted, *inter alia*, protection in respect of the possession of the writ petitioner with regard to the property and also observed that in the event any change had been effected in the Records of Rights in terms of the proposed vesting, the same would be reversed.
4. The matter went up to the Hon’ble Supreme Court, which did not interfere with the judgment of the Division Bench, however, further clarifying that the appellate authority prescribed under the Act shall consider all contentions uninfluenced by the observations made by the High Court and shall decide the

appeal on merits as early as possible. It was also observed that if there is any other remedy of appeal/revision etc., the aggrieved party shall be at liberty to avail such remedy and in case the State finally succeeds in getting a part of the land declared surplus, it goes without saying that such land shall immediately be mutated in favour of the State.

5. In the interregnum, the property was vested by passing an order under Section 14T (3) of the 1955 Act, against which a further challenge was preferred before the appellate authority by the writ petitioner. Before the appellate authority, the parties filed their written notes of submissions. In such written notes of the writ petitioner, it was indicated *inter alia* that without prejudice to the rights of the writ petitioner/appellant, in the event the decision went against the writ petitioner, the writ petitioner was interested in getting the benefit of retention as envisaged in Section 14Y of the 1955 Act with regard to the portion of the land where a factory is being run by the petitioner. The appellate authority, both on merits and on the premise of such so-called concession of the writ petitioner, decided the appeal against the writ petitioner, thereby affirming the order of vesting.

6. Being thus aggrieved, the writ petitioner challenged the order of the appellate authority before the learned Tribunal, which, by the present impugned judgment, affirmed the order of the appellate authority primarily on the basis of the purported concession, as indicated above, given by the writ petitioner, at the same time observing that the possession of the writ petitioner shall be protected till the disposal of the pending application under Section 14Y of the 1955 Act made by the writ petitioner.
7. Being thus aggrieved, the present writ petition has been preferred.
8. Learned counsel for the appellant contends that the grant of compensation is a necessary concomitant of any interdiction with the right to property as envisaged under Article 300-A of the Constitution of India.
9. In view of the Division Bench judgment of this Court in the matter of *Paschimbanga Bhumijibi Krishak Samiti & Ors. vs. State of West Bengal & Ors.*, reported at (1996) 2 CHN 212, Section 14V of the 1955 Act, which is the only provision in the said statute for compensation in respect of vesting, has been declared to be *ultra vires*. Thus, at the present moment,

although there is no provision for compensation, the State is going ahead with the vesting proceedings, which is a contradiction in terms.

10. Learned counsel cites *Kolkata Municipal Corporation and Another vs. Bimal Kumar Shah and Ors.* reported at (2024) 10 SCC 533 where the Hon'ble Supreme Court observed, *inter alia*, that although the Constitutional discourse on compulsory acquisitions has hitherto rooted itself within the "power of eminent domain", even within that articulation, the twin conditions of the acquisition being for a public purpose and subjecting the divestiture to the payment of compensation in lieu of acquisition were mandated.
11. Thus, it is argued that in the absence of any provision for compensation being in force at the present moment, no vesting under Section 14T (3) of the 1955 Act should take place.
12. Learned counsel for the writ petitioner also places reliance on a coordinate Bench judgment of this Court in *Pijush Kanti Chowdhury vs. State of West Bengal & Ors.* reported at (2007) 3 CHN 178 where the Hon'ble Division Bench, *inter alia*, observed that a Division Bench of this Court having declared

the provision contained in the 1955 Act regarding vesting without making any lawful provision for compensation for such vesting in the Act as *ultra vires* the Constitution of India, the State cannot be permitted to proceed with the said provision of vesting against the petitioners as long as adequate provision is not made in the statute for compensation.

13. Learned counsel next places reliance on another coordinate Bench judgment of this Court in the matter of *Calcutta Mumbai Truck Terminals Limited vs. State of West Bengal and Ors.* (WPLRT 327 of 2014), where the self-same proposition was upheld by a coordinate Bench. It was observed, *inter alia*, that the decision rendered in *Paschimanga Bhumijibi (supra)* has already been challenged by the State of West Bengal before the Hon'ble Supreme Court of India and the said judgment is still under scrutiny before the said Court. So long as the said judgment in the case of *Paschimanga Bhumijibi (supra)* is not set aside by the Hon'ble Supreme Court of India, the judgment rendered in the said case is the law operating in the field. The coordinate Bench observed that to avoid multiplicity of proceedings, the Court felt that instead of quashing the notice at that stage, justice would be subserved if the determination

proceeding which was initiated under Section 14T (5) of the 1955 Act is stayed till the issue which was pending before the Hon'ble Supreme Court of India is finally decided.

14. Learned counsel for the writ petitioner next cites another unreported judgment of a coordinate Bench of this Court in the matter of *Krishna Mitra Chowdhury and Ors. vs. State of West Bengal and Ors.* (WPLRT 339 of 2012), where the said Coordinate Bench reiterated the proposition laid down in *Calcutta Mumbai Truck Terminals Limited (supra)*.
15. In reply, learned Senior Government Advocate contends that in *Bimal Kumar Shah (supra)*, the Hon'ble Supreme Court was considering an acquisition proceeding under the Land Acquisition Act, the scope of which is entirely different from a vesting under the 1955 Act.
16. Whereas public purpose is the *sine qua non* in respect of an acquisition proceeding, the genesis of the 1955 Act is in Article 39, Clauses (b) and (c) of the Constitution of India.
17. As such, the concept laid down in *Bimal Kumar Shah (supra)* is not applicable to the present case.

18. Learned Senior Government Advocate places reliance on an order dated November 24, 2003 passed by the Hon'ble Supreme Court in the *Paschimbanga Bhumijibi* case, which is now pending adjudication before the said Court, whereby it was expressed that the State shall ensure, notwithstanding the vesting orders that may be passed and mutation that may be effected in the revenue records, that no third party rights should be created and no such third parties shall be inducted or allowed to enter upon and squat on such properties pending disposal of the appeals.
19. It is argued that in the light of the above observations, the Hon'ble Supreme Court tacitly accepted the proposition that despite the subsisting declaration of Section 14V of the 1955 Act as *ultra vires*, a vesting proceeding under Section 14T (3) of the said Act, which has been held to be *intra vires* in *Paschimbanga Bhumijibi (supra)*, cannot be stalled and there may be situations where vesting orders are passed, despite pendency of the matter before the Hon'ble Supreme Court.
20. Learned Senior Government Advocate next cites another coordinate Bench judgment of this Court, where incidentally

one of the learned Judges was a party to the Calcutta High Court judgment in *Paschimbanga Bhumijibi (supra)*, where it was held *inter alia* that the question that the provisions of the 1955 Act are *intra vires* the Constitution of India has been finally decided by two Division Bench judgments of this Court. On such premise, it was observed that so far as the prayer of rule nisi in respect of giving effect or further effect to the provisions of the West Bengal Land Reforms (Third) Amendment Act, 1986 and notices of vesting is concerned, it was found that there was only an order of *status quo* so far as the possession to be maintained by the parties was concerned and there was no order that the entire proceeding will remain stayed. Such prayer was, accordingly, rejected by the Hon'ble Division Bench.

21. In another unreported Division Bench judgment of this Court in WPLRT 66 of 2013, it was held by the coordinate Bench, upon taking into consideration the provisions of Section 14V of the 1955 Act, which was taken note of to have been held *ultra vires* in *Paschimbanga Bhumijibi (supra)*, that the prayer that the State should be directed to maintain *status quo* in respect of land to be vested pursuant to the order under challenge

therein, could not be allowed for the simple reason that the provision for fixing compensation under Section 14V was found *ultra vires*. In the event the order of the Division Bench [in *Paschimbanga Bhumijibi (supra)*] is upheld, it was held that the compensation would be payable in terms of “any other provision”. It was also found by the coordinate Bench that in the event the views of the Division Bench were rejected, compensation shall continue to be payable in terms of Section 14V of the Act. It was further observed that in any case, the question relates to a quantum of compensation payable by the State and where money is adequate relief or the only relief claimed, an order of injunction cannot be passed. In that view of the matter, the prayer for directing the State to maintain *status quo* in the vesting proceeding was turned down.

22. By placing reliance on the aforesaid judgments, learned Senior Government Advocate contends that since the Division Bench of this Court, in *Paschimbanga Bhumijibi (supra)*, categorically held that Section 14V of the 1955 Act is *ultra vires* whereas Section 14T (3) of the said Act was held to be *intra vires*, there cannot be any bar to the State authorities continuing with the vesting proceedings already initiated and for those to reach

their logical culmination. At best, it is submitted, this Court could consider, in line with the last order passed by the Hon'ble Supreme Court in the pending matter of *Paschimbanga Bhumijibi (supra)*, as to whether any restraint order can be passed on third party interest being created after the vesting is effected and mutation is done.

23. Learned Senior Government Advocate next cites *Tushar Kanti Dutta Munshi & Ors. vs. State of West Bengal and Ors.* reported at (2003) 3 CHN 606 where it was *inter alia* observed that the proceeding therein, having been initiated under Section 14T(3) of the 1955 Act, does not require to be stayed automatically only because the challenge to the provision of the said law was subject matter of the proceeding pending before the Apex Court, particularly when the Apex Court also did not stay the proceedings, in view of pendency of the proceeding before it.
24. Lastly, learned Senior Government Advocate cites *Samarendra Nath Das & Ors. vs. State of West Bengal & Ors.* reported at (2009) 1 WBLR (Cal) 809. The coordinate Bench of this Court, in the said matter, was *inter alia* pleased to observe that the judgment of this Court holding Section 14V *ultra vires*

inter alia directed the respondent authorities not to take any step or further step with regard to the vesting of the alleged excess land in favour of any person in any manner whatsoever, maintaining *status quo*. It was further observed that in the event the Supreme Court upsets the judgment of the Division Bench of this Court in *Paschimbanga Bhumijibi (supra)*, then it would be open to the respondents to take steps in accordance with the law for settling excess land as determined.

25. Heard learned counsel for the parties.
26. The primary question which falls for consideration in the present challenge in the present writ petition is whether in view of Section 14V of the 1955 Act having been declared to be *ultra vires* in *Paschimbanga Bhumijibi (supra)*, any proceeding for vesting under Section 14T (3) of the said Act can continue.
27. In the said context, a consideration of Article 300-A of the Constitution is germane. The said provision is quoted hereinbelow:-

“300A. Persons not to be deprived of property save by authority of law

No person shall be deprived of his property save by authority of law.”

28. Thus, whereas the previous right to property engrafted in the Constitution of India has been watered down by the introduction of Article 300-A, nonetheless, the deprivation of a person's right to property has been subjected to the authority of law, meaning thereby that a proper law has to be in force in order to enable the State to deprive a person of his or her property.
29. In such context, the ratio laid down by the Hon'ble Supreme Court in *Bimal Kumar Shah (supra)* acquires importance. Paragraphs 28 and 29 of the said judgment are quoted hereinbelow:-

“28. While it is true that after the 44th Constitutional Amendment [the Constitution (44th Amendment) Act, 1978], the right to property drifted from Part III to Part XII of the Constitution, there continues to be a potent safety net against arbitrary acquisitions, hasty decision-making and unfair redressal mechanisms. Despite its spatial placement,

Article 300-A which declares that “no person shall be deprived of his property save by authority of law” has been characterized both as a constitutional and also a human right. To assume that

constitutional protection gets constricted to the mandate of a fair compensation would be a disingenuous reading of the text and, shall we say, offensive to the egalitarian spirit of the Constitution.

29. The constitutional discourse on compulsory acquisitions, has hitherto, rooted itself within the “power of eminent domain”. Even within that articulation, the twin conditions of the acquisition being for a public purpose and subjecting the divestiture to the payment of compensation in lieu of acquisition were mandated. Although not explicitly contained in Article 300-A, these twin requirements have been read in and inferred as necessary conditions for compulsory deprivation to afford protection to the individuals who are being divested of property. A post-colonial reading of the Constitution cannot limit itself to these components alone. The binary reading of the constitutional right to property must give way to more meaningful renditions, where the larger right to property is seen as comprising intersecting sub-rights, each with a distinct character but interconnected to constitute the whole. These sub-rights weave themselves into each other, and as a consequence, State action or the legislation that results in the deprivation of private property must be measured against this constitutional net as a whole, and not just one or many of its strands.”

30. In the said judgment, although rendered in the context of an acquisition proceeding, the Hon'ble Supreme Court clearly analyzed the concept of the power of eminent domain of the State and it was observed that even within that articulation, the twin conditions of public purpose and payment of compensation were to be mandated and although not explicitly contained in Article 300- A, such twin requirements would have to be read in and inferred as necessary conditions for compulsory deprivation to afford protection to the individuals who are being divested of property.
31. A careful consideration of the proposition laid down by the Hon'ble Supreme Court in the said judgment clearly reveals that the adjudication therein is not limited to an acquisition under the Land Acquisition Act or any other Acquisition Act prevalent in any State but pertains to the very spirit of Article 300-A of the Constitution of India.
32. It is to be noted that Article 300-A does not distinguish between an acquisition for a public purpose or for any other purpose whatsoever and/or vesting under any law, but pertains to the divestiture of the right to property of a person in general.

33. Even otherwise, the argument of the State to the effect that the said principle cannot be applied to an investiture under the 1955 Act cannot be accepted, since the underlying refrain of Article 39, which is the immediate trigger of enactment of the 1955 Act, is also rooted in public purpose. A careful perusal of Article 39 indicates that the policy of the State under the said provision is directed towards securing that citizens have the right to an adequate means to livelihood and that the ownership and control of material resources of the community are so distributed as best to sub-serve the common good and like purposes.
34. Thus, the underlying spirit of even Article 39 is public policy and the common good of the majority of the society, as opposed to the vested interests of private individuals. Hence, public policy is the underlying spirit embedded in every provision which empowers the State to exercise its eminent domain by divesting a person of a property to which such person is otherwise entitled to in law.
35. Thus, the principle embodied in Article 300-A of the Constitution permeates not only acquisitions under the Land Acquisition Act or similar statutes, but all sorts of situations

where a person is denuded of his property by the State, including vesting.

36. Considered in the above context, the condition of payment of compensation has to be read into the very spirit of Article 300-A and accordingly, into any provision by which a person's right to property is divested in favour of the State.
37. Secondly, as held by a coordinate Bench of this Court in the matter of *Pijush Kanti Chowdhury (supra)*, where the provision contained in the 1955 Act regarding payment of lawful compensation has been declared as *ultra vires*, the State cannot be permitted to proceed with the provision of vesting against the prospective land losers as long as adequate provision is not made in the statute for compensation. Although a challenge was preferred against the said judgment by way of a Special Leave Petition, as pointed out by learned Senior Government Advocate, the Hon'ble Supreme Court merely granted status quo in connection with the same, which governs the parties. However, the ratio laid down by the Division Bench of this Court therein still stands.
38. A similar principle was echoed in *Calcutta Mumbai Truck Terminals (supra)* and *Krishna Mitra Chowdhury (supra)*. The

Division Benches in both the cases considered that no part of the land of a raiyat can be vested without payment of compensation under the scheme of the 1955 Act as Section 14V of the said Act, which provided for payment of compensation to the raiyat, has been declared to be *ultra vires* in *Paschimanga Bhumijibi (supra)*.

39. As opposed thereto, the State seeks to rely on an observation made by the Hon'ble Supreme Court on November 24, 2003 in the *Paschimanga Bhumijibi* matter which is now pending before the said Court by way of challenge against the decision taken by the Hon'ble Supreme Court in the self same matter.
40. However, the order dated November 24, 2003 is merely an interim protection and is not a judgment where any proposition of law has been laid down. Moreover, the said observation is confined to the parties to the said proceeding.
41. Merely by observing that "notwithstanding the vesting orders that may be passed and mutation that may be effected", the Hon'ble Supreme Court did not lay down any blanket ratio to the effect that a vesting proceeding can be proceeded with despite there being no provision for compensation at present

and/or that a proceeding for vesting is otherwise sanctioned in law.

42. Insofar as the Division Bench judgment of this Court in the matter of *Mrinal Kanti Pal & Anr. vs. State of West Bengal & Ors.* reported at (2000) 1 Cal LJ 1 is concerned, the premise of the same was somewhat different.
43. In the said case, a proceeding had been initiated by the Revenue Officer under Section 14T (5), read with Section 14T (9), of the 1955 Act and notices were served on the legal heirs of the deceased original raiyat. In such context, it was observed that the provisions of the 1955 Act were *intra vires* the Constitution of India, and it was held that the provision of Section 14T (8) and Section 14T(9) of the 1955 Act are not invalid and retrospective operation of the provisions are not *ultra vires* to the Constitution of India. In such context, on an adjudication focused on the said provisions as well as Section 14T (5), it was observed by the Division Bench that so far as the submission under point 'c' of the learned advocate for the petitioners therein was concerned, it was found that there was only an order of *status quo* so far as the possession to be maintained by the parties was concerned and there was no

order that the entire proceeding will remain stayed, in view of which the contention of the learned advocate was held not to be legally tenable, hence rejected.

44. However, within the four corners of the said judgment, the issue which has been raised before us did not fall for consideration, as to whether a vesting proceeding can continue in law without there being any provision for compensation.
45. In WPLRT 66 of 2013, the question which was raised before the coordinate Bench was whether the State should be restrained from creating any third party right and interest in respect of the land to be vested pursuant to the order under challenge therein.
46. Learned counsel for the petitioner therein had contended that since the Hon'ble Supreme Court itself had, in connection with *Paschimbanga Bhumijibi (supra)*, directed the authorities to maintain *status quo* as regards possession, his prayer directing the State to maintain *status quo* in respect of the lands to be vested should be allowed.
47. Thus, the limited contention of the petitioner therein was restricted to the interim order passed in *Paschimbanga*

Bhumijibi (supra) by the Hon'ble Supreme Court and the petitioner therein had claimed for a similar relief.

48. While deciding such issue, the coordinate Bench took into consideration *suo motu* the fact that going by the views expressed by the Division Bench in *Paschimbanga Bhumijibi (supra)*, it would appear that the question which fell for determination was the validity of Section 14V which was held to be *ultra vires*. The coordinate Bench, accordingly, went on to observe that the prayer that the State should be directed to maintain *status quo* in respect of land to be vested pursuant to the order under challenge could not be allowed for the simple reason that the provision for fixing compensation under Section 14V was found *ultra vires*. It was further held that in the event the order of the Division Bench was upheld, the compensation would be payable in terms of any other provision. It was further observed that since the question related to quantum of the compensation payable by the State, where money is adequate relief, injunction could not be passed.
49. However, since the question as to whether a vesting proceeding could be continued in view of the provision as to

compensation being declared *ultra vires* was neither urged nor decided directly therein, it cannot be said that the said judgment laid down any proposition or can be considered to be a precedent on such count. It is well settled that a judgment can only be considered to be a precedent for what it directly decides and not what can be incidentally derived from the proposition laid down therein. Following the said principle, the Division Bench judgment in WPLRT 66 of 2013 is not a binding ratio on the issue at hand. The findings in the said decision on Section 14V vis-à-vis vesting proceedings are, at best, *obiter dicta*.

50. Even otherwise, with utmost respect, the analogy drawn in the said judgment cannot be considered to be appropriate in the context. The principle that the payment of compensation is a necessary concomitant and a *sine qua non* for divestiture of the property of a citizen by the State is rooted in a much more fundamental and Constitutional premise than the legal principle that where compensation by way of damages is permissible, the remedy of injunction is not generally granted. Apart from the latter principle flowing from the provisions of the Specific Relief Act, 1963 and thus, being statutory in nature,

which is, by character, is subservient to the Constitution of India, which is the *Grundnorm* of the legal structure of our country, we also find that the latter principle is premised on a somewhat different footing.

51. Whereas the right to get compensation arises simultaneously with the divestiture of land, the principle that if a remedy lies in damages, no injunction should be granted is premised on the principle of the doctrine of election as well as the principle of availability of alternative remedy.
52. The two principles cannot be compared as such.
53. Thus, this Court is of the opinion that the analogy drawn in WPLRT 66 of 2013 is not appropriate in the present context.
54. Insofar as *Karuna Kana Roy's case* is concerned, the Hon'ble Division Bench, in the said matter, was considering a challenge to the provisions of the West Bengal Land Reforms (Amendment) Act, 1981 and the West Bengal Land Reforms (Third Amendment) Act, 1986. In such context, the Division Bench took into consideration the Division Bench judgment in *Paschimanga Bhumijibi (supra)*.
55. By quoting parts of *Paschimanga Bhumijibi (supra)*, the Division Bench observed that it was patently clear that it did

not interfere with sub-sections (1), (2), (3) or (10) of Section 14T and accordingly, held that the writ petition was to be sent back for consideration on the premise that the learned Single Judge had allowed the writ petition holding that the vendors were not required to file any return in Form 7AA and on that ground, the impugned notices as well as the proceedings started under Section 14T (3) read with Section 14T (10) had been quashed.

56. In the said case as well, the issue which has fallen for consideration before us was neither urged nor decided.

57. In *Tushar Kanti Dutta Munshi (supra)*, the petitioners therein had argued that the Administrative Member, one Shri K. L. Mukhopadhyay, having himself affirmed an affidavit in connection with *Paschimbanga Bhumijibi (supra)* on behalf of the State, suffered from bias of the subject matter and therefore, could not be a party to the decision in respect of the subject matter under challenge in a proceeding under Section 14T (3) read with Section 57 of the 1955 Act.

58. While deciding on such challenge, the then learned Advocate General had contended that the scope of the proceeding which was pending before the Apex Court and in connection with

which the said Shri Mukhopadhyay, the Administrative Member, had filed an affidavit was different from the scope of the said case as the only Section which was held *ultra vires* by the Division Bench in *Paschimanga Bhumi jibi (supra)* was Section 14V of the 1955 Act and Mr. Mukhopadhyay's participation in the said proceeding had no bearing at all on the case before the Tribunal.

59. In such context, the Division Bench observed that since the parties in *Tushar Kanti Dutta Munshi (supra)* were not parties to the proceeding pending before the Apex Court, even if Shri Mukhopadhyay was having a bias in respect of subject matter of the said proceeding by acting as the agent of the Government, the subject matter under consideration where was the validity of some of the provisions of the 1955 Act, the law if decided in the said proceeding, would have effect in the proceeding in *Tushar Kanti Dutta Munshi* could not be held as sufficient ground for holding bias of Shri Mukhopadhyay in respect of the subject matter.
60. Thus, the entire focal point in the adjudication in *Tushar Kanti Dutta Munshi (supra)* was the alleged bias of the

Administrative Member concerned, who had affirmed an affidavit for the State in *Paschimbanga Bhumijibi (supra)*.

61. In *Samarendra Nath Das (supra)*, the concerned Division Bench was considering a challenge as to whether the Revenue Officer should have decided the extent of vacant land under Section 14T(3A) of the 1955 Act for vesting notwithstanding the dispute regarding Constitutional validity being pending before the Hon'ble Supreme Court wherein the order of *status quo* had been granted.
62. In such limited context, it was held that the judgment of the Division Bench in *Paschimbanga Bhumijibi (supra)* holding Section 14V of the 1955 Act *ultra vires* was not reversed and therefore it cannot be said that by the order of *status quo* granted by the Hon'ble Supreme Court, Section 14T(3A) was restored.
63. While dealing with the limited context of the *status quo* order passed by the Hon'ble Supreme Court, the Hon'ble Division Bench ultimately found that the Tribunal and the appellate authority had not decided whether the aforesaid determination regarding vesting and retention of the land should be

implemented or not in view of the Hon'ble Supreme Court's judgment and order.

64. The Division Bench also was of the view that the respondent authority cannot do anything except keeping the aforesaid matters stayed in view of the order of *status quo* passed by the Hon'ble Supreme Court.
65. The entire consideration in the said judgment was the effect of the interim orders passed by the Hon'ble Supreme Court in the *Paschimbanga Bhumijibi* matter.
66. Hence, the aforesaid judgments cited by the State do not come to the aid of the State, insofar as the present adjudication is concerned.
67. As clearly laid down in the coordinate Bench judgment in *Pijush Kanti Chowdhury (supra)*, as reiterated by other Division Benches of this Court in *Calcutta Mumbai Truck Terminals (supra)* and *Krishna Mitra Chowdhury and Ors. (supra)*, grant of compensation is a necessary concomitant and a *sine qua non* for vesting of a property belonging to an individual in the State.
68. In view of the provision of compensation having been rendered to a state *in limbo* by declaring the same to be *ultra vires* in

Paschimbanga Bhumijibi (supra), which is, unfortunately, sub judice before the Hon'ble Supreme Court till date, the present position is that although Section 14T(3), permitting the State to vest a property is *intra vires*, and the State purportedly can proceed with the vesting, at the same time, it is not liable to pay any compensation whatsoever to the land losers.

69. Such a position does not satisfy the test of Constitutionality as laid down by the Hon'ble Supreme Court in *Bimal Kumar Shah (supra)* and embedded in Article 300-A of the Constitution of India.
70. As held by the Hon'ble Supreme Court, the grant of compensation is a necessary corollary to divestiture of a property of an individual and unless there is a specific provision of compensation provided along with such vesting, the said divestiture is hit by Article 300-A of the Constitution, which prevents the State from depriving a person of his property save by authority of law.
71. The expression "authority of law" has to refer, necessarily, to a law which passes the test of Constitutionality and in the absence of any provision for compensation being in force, there cannot be any vesting whatsoever.

72. The ratio of the Hon'ble Division Bench in WPLRT 66 of 2013, to the extent that compensation in any event can be given under any other provision, with utmost respect, is not tenable in law, since the statute which provides for acquisition/vesting, has to contain the provision of compensation itself. The provision of compensation, for example, under the Land Acquisition Act cannot be applied to a State legislation like the 1955 Act.
73. Another aspect of the matter cannot be lost sight of.
74. The learned Tribunal (totally) and the appellate authority (partially) proceeded on the premise that a concession had apparently been given by the writ petitioner to the effect that it was agreeable to vesting of the land subject to retention under Section 14Y of the 1955 Act.
75. However, it is evident from the relevant portion of the written notes of arguments filed by the writ petitioner before the learned tribunal that the option of retention was merely by way of an alternative argument without prejudice to the stand taken by the writ petitioner regarding non maintainability of the vesting proceeding as a whole.

76. Such position will be evident from the relevant portion of the said written notes of arguments, as annexed at pages 44 and 45 of the present writ petition.
77. Thus, the said premise of the impugned judgment of the learned Tribunal as well as the appellate authority cannot also be sustained.
78. Thus, in view of the above discussions, this Court is of the opinion that in view of Section 14V of the 1955 Act having been held to be *ultra vires* in *Paschimbanga Bhumijibi (supra)*, which decision is now sub judice before the Hon'ble Supreme Court, at the present moment, the State cannot continue or initiate any fresh proceeding for vesting under Section 14T(3) of the 1955 Act.
79. However, we moderate the above observation with the further rider that such bar will only be subject to the ultimate decision taken by the Hon'ble Apex Court in the *Paschimbanga Bhumijibi (supra)* matter pending before it.
80. Needless to say, in the event the Hon'ble Supreme Court decides in favour of the *vires* of Section 14V of the 1955 Act, there would be no bar for the State to proceed with vesting

under Section 14T(3) with the necessary concomitant of compensation under Section 14V.

81. Accordingly, WPLRT No. 24 of 2026 is allowed, thereby setting aside the impugned judgment dated December 24, 2025 passed by the First Bench, West Bengal Land Reforms and Tenancy Tribunal in OA No. 2000 of 2023 as well as the order of the appellate authority dated January 6, 2023 in LR Appeal No. 298 of 2022, which was affirmed by the Tribunal.
82. The respondent authorities are hereby restrained from continuing further with the proceeding under Section 14T(3) of the West Bengal Land Reforms Act, 1955, if initiated against the writ petitioner, till disposal of the pending *lis* in the matter of *Paschimbanga Bhumijibi (supra)* before the Hon'ble Supreme Court.
83. Consequentially, the order of vesting in respect of the subject land of the writ petitioner dated March 9, 2022 is also set aside.
84. However, it is made clear that the above order is subject to the ultimate outcome of the *lis* pending before the Hon'ble Supreme Court in the matter of *Paschimbanga Bhumijibi (supra)*.

85. There will be no order as to costs.

86. Urgent certified copies of the order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

I agree.

(Sabyasachi Bhattacharyya, J.)

(Md. Shabbar Rashidi, J.)

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