

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 25 of 2026
With
WPLRT 26 of 2026
With
WPLRT 27 of 2026
With
WPLRT 28 of 2026
With
WPLRT 29 of 2026
With
WPLRT 30 of 2026

Mirja Kamruddin and another
Vs.
The State of West Bengal and others

For the petitioners : Mr. Masud Karim,
Mr. Bikash Halder

For the State
in WPLRT 25 of 2026 : Mr. Sk. Md. Galib, Sr. Govt. Adv.,
Ms. Sujata Mukherjee

For the State
in WPLRT 26 of 2026 : Mr. Sk. Md. Galib, Sr. Govt. Adv.,
Ms. Priyamvada Singh

For the State
in WPLRT 27 of 2026 : Mr. Ayan Banerjee,
Ms. Sharmila Deb

For the State
in WPLRT 28 of 2026 : Mr. Chandi Charan De, AGP,
Ms. Reshma Chatterjee

For the State
in WPLRT 29 of 2026 : Mr. Soumitra Bandyopadhyay, Sr. Govt. Adv.,
Mr. Srinath Singha

For the State
in WPLRT 30 of 2026 : Mr. Lalit Mohan Mahato, AGP,
Mr. Ziaul Haque

For the private
respondent : Mr. Kallol Basu,
Mr. Nilanjan Paul

Heard on : 30.03.2026

Judgment on : 30.03.2026

Sabyasachi Bhattacharyya, J.:-

1. Affidavits-of-service filed today be kept on record.
2. In view of the short point involved, affidavits are not invited and it is deemed that none of the allegations made in the writ petitions are admitted by any of the respondents.
3. The present challenge has been preferred against an order whereby the learned Tribunal set aside an order passed by the Appellate Authority under Section 54 of the West Bengal Land Reforms Act, 1955 (for short “the 1955 Act”), preferred by the present petitioners, on the sole ground that in view of the pendency of several civil litigations, the Appellate Authority acted without jurisdiction in deciding the matter.
4. Learned counsel for the petitioners submits that in view of the Appellate Authority having power under Section 54 of the 1955 Act to

adjudicate upon an order passed under Section 50 of the said Act, the learned Tribunal erred in law in making such observations and allowing the challenge against the appellate order on such ground.

5. Learned AGP, appearing for the State, points out that even the Appellate Authority passed its order on the ground that since civil litigations are pending, the order impugned before the Appellate Authority could not have been passed. Learned AGP points out that there are several conflicting judgments on the issue as to whether mere pendency of a civil litigation can be a reason for the authorities under the 1955 Act to stay their hands. It is submitted that while there are at least four judgments of coordinate Benches which say that the authorities cannot proceed with the matter before them due to pendency of civil litigation, there are two other which say that the authorities can.
6. Learned counsel appearing for the private respondent also points out that it was virtually the self-same ground on which the Appellate Authority also reversed the findings of the B.L. & L.R.O, merely on the premise that there are civil litigations pending.
7. We appreciate that the private respondent may have a very strong arguable case before the Appellate Authority as to whether the pendency of the civil litigations in the present cases would be sufficient bar on the Appellate Authority to proceed with the matter and/or the B.L. & L.R.O to have made the impugned recordings.

8. However, at the same time, in view of the clear provisions of Section 61 of the 1955 Act, the learned Tribunal acted *de hors* its jurisdiction in setting aside the Appellate Authority's order altogether merely on the ground of pendency of civil litigations.
9. On a plain reading of Section 61, it is clear 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.
10. In the present cases, we are informed that two civil suits are pending, one at the behest of the present writ petitioners (for partition) and the other by the private respondent (for declaration of title and permanent injunction). It is palpable that the scopes of adjudication in the said suits are completely different from the scope of the decision in the matter before the B.L. & L.R.O or the Appellate Authority under the provisions of the 1955 Act, particularly in the context of Section 61 of the 1955 Act.
11. In such view of the matter, the learned Tribunal erred in law and acted without jurisdiction in setting aside the order of the Appellate Authority altogether on the ground of pendency of the civil litigations.

12. Hence, WPLRT 25 of 2026, WPLRT 26 of 2026, WPLRT 27 of 2026, WPLRT 28 of 2026, WPLRT 29 of 2026 and WPLRT 30 of 2026 are allowed on contest, thereby setting aside the impugned judgment dated March 17, 2025 passed by the First Bench, West Bengal Land Reforms and Tenancy Tribunal respectively in OA 1191 of 2022 (LRTT), OA 1192 of 2022 (LRTT), OA 1190 of 2022 (LRTT), OA 1189 of 2022 (LRTT), OA 1187 of 2022 (LRTT) and OA 1188 of 2022 (LRTT), and remanding the original applications to be decided afresh on merits by the learned Tribunal.
13. It is made clear that the merits of the said challenge in OA 1191 of 2022 (LRTT), OA 1192 of 2022 (LRTT), OA 1190 of 2022 (LRTT), OA 1189 of 2022 (LRTT), OA 1187 of 2022 (LRTT) and OA 1188 of 2022 (LRTT) have not been entered into by this Court at all and it will be open to the learned Tribunal to decide the same independent of any observations made herein, in accordance with law.
14. Any action, if taken pursuant to the order of the learned Tribunal dated March 17, 2025 passed in OA 1191 of 2022 (LRTT), OA 1192 of 2022 (LRTT), OA 1190 of 2022 (LRTT), OA 1189 of 2022 (LRTT), OA 1187 of 2022 (LRTT) and OA 1188 of 2022 (LRTT), stands hereby revoked and set aside.
15. There will be no order as to costs.

16. 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.)

AD-08-13
TN