

Form No.J(2)

IN THE HIGH COURT AT CALCUTTA

Constitutional Writ Jurisdiction

Appellate Side

Present : The Hon'ble Mr. Justice Sabyasachi Bhattacharyya
&
The Hon'ble Mr. Justice Supratim Bhattacharya

WPLRT No. 33 of 2026
with
CAN 1 of 2026

Narayan Chandra Bhaumik (dead) substituted by
Sikha Rani Bhaumik and others
-VS-
The State of West Bengal and others

For the petitioners : Mr. Supratim Dhar, Sr. Adv.,
Mr. Santimay Bhattacharyya,
Mr. Anirban Das.

For the State : Sk. Md. Gaib, Sr. Govt. Adv.,
Ms. Ashmita Chakraborty.

Heard on : March 30, 2026 & March 31, 2026.
Judgment on : March 31, 2026.

Sabyasachi Bhattacharyya, J.:

1. Learned senior counsel appearing for the petitioners submits, on instruction, that despite the State having handed over certain documents on the last occasion, when the matter was called on for hearing, alleging that the orders of the Tribunal have been complied with, still, possession has not been handed over in respect of the subject plots and there are other violations still prevailing.
2. Such contention is disputed by the State.
3. In terms of our order dated March 30, 2026, where we elaborately dealt with the merits of the matter, adjourning the matter only for the purpose of ascertaining whether as per the petitioners, the orders of the Tribunal were complied with, in view of the submission of learned senior counsel for the petitioners, we take up the writ petition for disposal.
4. Taking a cue from the observations made in the order dated March 30, 2026, we find that the learned Tribunal, by the impugned order, dismissed the petitioners' application seeking implementation of the orders of the learned Tribunal as well as alleging violation of the same, on the ground that since the orders of the learned Tribunal had merged with the orders passed by this

Court under Article 226 of the Constitution, in a challenge to the Tribunal's orders, the application for implementation of such orders / contempt ought to have been preferred before this Court.

5. However, it is well-settled that if an order of a Tribunal or Court merges with that of a superior forum, it is the first forum before which an application for contempt / implementation / execution lies.
6. Thus, the very premise of the impugned order being erroneous, the same cannot be sustained in law.
7. Accordingly, WPLRT No. 33 of 2026 is allowed on contest, thereby setting aside the order dated December 17, 2025 passed by the Second Bench, West Bengal Land Reforms and Tenancy Tribunal, in M.A. 1820 of 2025 and M.A. 1682 of 2024, arising out of O.A. 1319 of 2022 (LRTT).
8. The learned Tribunal is directed to dispose of the said applications, bearing M.A. 1820 of 2025 and M.A. 1682 of 2024, in accordance with law as expeditiously as possible, preferably within two months from the date of communication of this order to the Tribunal, on their own merits and upon giving adequate opportunity of hearing to both sides.
9. CAN 1 of 2026 is disposed of consequentially.
10. There will be no order as to costs.

11. Urgent photostat certified copies of this judgment, if applied for, be supplied to the parties at an early date.

(Sabyasachi Bhattacharyya, J.)

I agree.

(Supratim Bhattacharya, J.)