

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 Partha Sarathi Chatterjee

WPLRT No. 34 of 2026

Abu Taleb Mondal and others
-vs-
The State of West Bengal and others

For the petitioners : Mr. Partha Chakraborty,
Mr. Rishabh Dutta Gupta

For the State : Sk. Md. Galib, Sr. Govt. Adv.

Heard on : March 11, 2026.

Judgment on : March 11, 2026.

Sabyasachi Bhattacharyya, J.:

1. The affidavit-of-service filed in Court today be kept on record.
2. The present challenge has been preferred against an order dated January 14, 2025 whereby the Second Bench, West Bengal Land Reforms and Tenancy Tribunal disposed of OA No. 1273 of 2023 (LRTT), filed by the present petitioners.

3. Learned counsel for the petitioners argues that challenging the vesting order under Section 14T(3) of the West Bengal Land Reforms Act, 1955 (in short “the 1955 Act”), the predecessor-in-interest (father) of the petitioner nos. 1 to 3 had preferred a writ petition, in which initially a stay order was passed.
4. Subsequently, upon coming into force of the West Bengal Land Reforms and Tenancy Tribunal Act, 1997 (hereinafter referred to as “the Act of 1997”), the matter was transferred to the Tribunal.
5. In the interregnum, the father of the petitioner nos. 1 to 3, that is, the applicant in the said challenge, met his demise. Even thereafter a notice was issued on July 12, 2018 in the name of the deceased father of the petitioners, asking the father of the petitioners to appear before the concerned Block Land & Land Reforms Officer, Dakshin Dinajpur.
6. It is submitted that the present Original Application was filed before the Tribunal for withdrawal of such notice, having been issued in the name of a dead person.
7. Learned Senior Government Advocate appearing for the State submits that as per the BL & LRO’s report submitted before the Tribunal, which was noted in the impugned order, it was categorically pointed out that pursuant to the notice,

withdrawal of which was sought before the Tribunal, the petitioner nos. 1 to 3 had actually appeared before the BL & LRO, upon which they pointed out that their father had expired in the year 2010 but were unable to submit any proof as to whether any case was pending before the Tribunal or not or whether any vacating order was passed or not.

8. Thus, since the petitioner nos. 1 to 3 have already appeared before the BL & LRO pursuant to the impugned notice, the Tribunal closed the challenge to the same by the impugned order.
9. Upon consideration of the circumstances of the case, this Court is of the opinion that the Tribunal was justified in disposing of OA No. 1273 of 2023 (LRTT), which comprised of a challenge to a notice dated July 12, 2018 asking the deceased father of the writ petitioner nos. 1 to 3 to appear before the concerned BL & LRO to explain as to the current status of the challenge against the vesting order.
10. By attending before the said BL & LRO on the date fixed for hearing by the impugned notice, the petitioner nos. 1 to 3 submitted themselves to the said notice and as such, there was no scope of further challenge to the same, since the notice spent its force upon the petitioner nos. 1 to 3 having

complied with the same by appearing before the concerned BL & LRO. Whatever stand was taken by the petitioner nos. 1 to 3 before the BL & LRO, upon such appearance, have no bearing on the challenge to the said notice dated July 12, 2018, which was already complied with by the petitioner nos. 1 to 3.

11. In any event, nothing hinges on the said notice since it is evident that the petitioners were aware of the notice, although served in the name of the deceased father of the petitioner nos. 1 to 3, since they appeared before the concerned BL & LRO pursuant to such notice.
12. Hence, we do not find any illegality in the impugned order of the Tribunal dated January 14, 2025.
13. However, nothing in this order shall preclude the petitioners to approach the Tribunal to implead themselves as parties to the challenge against the vesting under Section 14T(3) of the 1955 Act, in the event the petitioners otherwise have any such right in law, provided such application is still pending.
14. In the event such original application is still pending and such a petition is made, the Tribunal will be at liberty to decide the said petition on merits independently, upon giving adequate opportunity of hearing to all interested parties.

15. With the above observations, WPLRT No. 34 of 2026 is disposed of on contest without interfering with the impugned order dated January 14, 2025 passed by the Second Bench, West Bengal Land Reforms and Tenancy Tribunal in OA No. 1273 of 2023 (LRTT).
16. Urgent photostat certified copy of the order, if applied for, be supplied to the parties at an early date.

I agree.

(Sabyasachi Bhattacharyya, J.)

(Partha Sarathi Chatterjee, J.)