

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 Partha Sarathi Chatterjee

WPLRT 35 of 2026

Pankaj Kabi and Ors.
Vs.
The State of West Bengal and Ors.

For the petitioners : Mr. Kingsuk Mondal,
Mrs. Gopa Das,
Mr. Suman Das, Advs.

For the State : Mr. Chandi Charan De,
Ld. Addl. Govt. Pleader,
Ms. Chandana Ghosh, Adv.

Heard on : March 11, 2026.

Judgment on : March 11, 2026.

Sabyasachi Bhattacharyya, J.:

1. Affidavit of service filed today be kept on record.
2. The grievance of the petitioners is limited.
3. The petitioners' predecessor-in-interest filed a suit seeking declaration of their title and challenging the foundation of the entries in the RS Records of Rights.

4. The suit was dismissed, against which an appeal was preferred, which was ultimately allowed, thereby decreeing the suit by declaring the title of the plaintiff (predecessor-in-interest of the petitioners) in the disputed property as well as declaring that the entries in the RS Records of Rights showing the disputed land in the name of the father of the plaintiff and showing the same to be vested land of the State of West Bengal were erroneous. The State of West Bengal was permanently restrained by the decree from interfering with the plaintiff's possession of the disputed land as a tenant under the State of West Bengal.

5. Learned counsel for the petitioners places reliance on an order dated December 13, 1991 passed in Civil Order no. 14936 (W) of 1991, instituted by the present petitioners seeking implementation of the Civil Court's decree dated January 31, 1973 as mentioned above.

6. By an order dated December 13, 1991, a learned Single Judge of this Court disposed of such writ petition by directing the authorities concerned to correct the Records of Rights in the name of the petitioners in terms of the aforesaid judgment and decree positively within three months from the date of communication of the said order to the authorities concerned.

7. It is argued that despite the same, the authorities sat tight over the matter, for which a representation was made by the petitioners to the said authorities, over which the respondent authorities sat tight, prompting the petitioners to move the learned Tribunal. However, by the impugned order, the learned Tribunal has disposed of the original application merely by directing the representation of the writ petitioners to be considered by the concerned B.L. & L.R.O., without passing a specific direction on the latter to comply with the order of the Writ Court as well as the Civil Court.

8. Upon hearing learned counsel for the parties, we find that the order of the Writ Court dated December 13, 1991 in Order no. 14936 (W) of 1991 was passed in presence of the State as well as the respondent authorities. In the absence of any challenge to the same being brought to our notice, the said direction has attained finality. By the said order, the concerned authorities were specifically directed to correct the Records of Rights in the name of the petitioners in terms of the judgment and decree of the Civil Court, which has also attained finality in the absence of any challenge thereto, thereby leaving no manner of doubt as to the course of action to be taken by the authorities.

9. After such specific direction, there was no further scope of consideration of any “representation” or any further adjudication under any statutory provision. The incumbent duty of the respondent authorities was to comply with the direction of the Writ Court passed as long back as on December 13, 1991 without any further delay in the matter. Thus, the learned Tribunal ought to have directed the concerned authority, i.e. the B.L. & L.R.O. concerned, to correct the Records of Rights in the name of the writ petitioners in terms of the Civil Court’s decree instead of merely directing the representation of the petitioners to be considered again by the said authorities.

10. Accordingly, WPLRT 35 of 2026 is disposed of by modifying the impugned order dated July 5, 2018 passed by the First Bench, West Bengal Land Reforms and Tenancy Tribunal in OA 3988 of 2017 (LRTT) and directing the respondent no. 4 herein, i.e. the Block Land and Land Reforms Officer, Khajuri-II to correct the Records of Rights in respect of the subject property in the name of the present writ petitioners, in compliance with the direction dated December 13, 1991 passed in Civil Order no. 14936 (W) of 1991, as expeditiously as possible, positively within two months from the date of communication of a server copy of

this order on the respondent no. 4, by acting on the said server copy without insisting upon prior production of a certified copy of this order.

11. There will be no order as to costs.

12. 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.)

(Partha Sarathi Chatterjee, J.)

AD-34
Ct No.16
11.03.2026
(SSS)