

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 37 of 2026

Kamal Bali
Vs.
The State of West Bengal and Ors.

For the petitioner : Syed Chandan Hossain,
Syed Murshid Alam,
Sk. Nizamuddin,
Ms. Barnali Gupta,
Mazid Hossain Seik,
Mr. Subrata Ghosh, Advs.

For the State : Sk. Md. Galib, Ld. Snr. Govt. 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 present challenge has been preferred against the dismissal of an original application, made at the behest of the petitioner, seeking disposal of his representation by the Block Land and Land Reforms Officer, Jagatballavpur, Howrah.

3. Learned counsel for the petitioner argues that the learned Tribunal dismissed the said original application as not maintainable on the ground that there is no provision to transfer patta to any person during the lifetime of the patta holder. It is argued that the learned Tribunal failed to consider that on the demise of the father of the present petitioner, the present petitioner's name is required to be incorporated as patta holder in place and stead of the said deceased.

4. Learned Senior Government Advocate controverts such contention and draws the attention of the Court to the representation which was refused to be directed to be considered by the learned Tribunal.

5. It is submitted that in terms of the same, even the share of the mother of the writ petitioner, who was a joint patta holder along with her father, was sought to be altered and the name of the writ petitioner to be incorporated, which tantamounts to a transfer of the patta granted at least insofar as the said mother is concerned.

6. Upon a perusal of the annexures to the present writ petition, we find that a purported no-objection certificate dated August 21, 2025 was given by the mother of the writ petitioner, who was a

joint patta holder along with her husband (since deceased), granting consent for her name to be replaced by that of the present writ petitioner as the recorded pattadar.

7. In consonance with the same, the representation of the writ petitioner dated March 19, 2025 seeks transfer of the pattas in the name of the present writ petitioner, which would tantamount to transfer of the patta insofar as the same pertains to the mother of the writ petitioner, who is still living, in the capacity of a joint pattadar.

8. Law does not permit transfer of patta in the manner as sought by the writ petitioner in his representation, read in conjunction with the consent/no objection given by his mother.

9. Insofar as the share of the writ petitioner in the patta of the deceased father is concerned, the writ petitioner is undoubtedly entitled to have his name incorporated as joint patta holder, restricted to his inherited share on the demise of his father.

10. However, the representation and the no objection given by the mother of the writ petitioner, in their present form, are not maintainable in law, as rightly held by the learned Tribunal.

11. Hence, there is no occasion to interfere with the impugned order.

12. Accordingly, WPLRT 37 of 2026 is disposed of without interfering with the impugned order dated December 23, 2025 passed by the Third Bench, West Bengal Land Reforms and Tenancy Tribunal in OA 3346 of 2025 (LRTT).

13. However, nothing in this order shall preclude the writ petitioner from making appropriate application before the concerned authority for the purpose of recording his name as joint pattadar by inheritance on the demise of his father, to the limited extent as devolved on him by inheritance on such demise. If such an application is made, the concerned authority shall consider the same in accordance with law, upon giving adequate opportunity of hearing to all concerned.

14. There will be no order as to costs.

15. 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-35
Ct No.16
11.03.2026
(SSS)