

24.06.2026
Court No.2
Item No.34
sudipta

**IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION
APPELLATE SIDE**

CO 652 of 2024

**Dipu Saha
Vs.
Maya Mondal**

Mr. Sarbananda Sanyal
Ms. Poulomi Chakraborty
Mr. Saikat Gayen

...for the petitioner

Mr. Kartick Kr. Bhattacharya
Mr. Subhas Ch. Dutta
Ms. Soumashree Dutta

...for the opposite party

1. Present petition has been filed challenging the order dated 8th August, 2023 passed by the learned Civil Judge, Jr. Div., Tehatta, Nadia, while exercising the power as conferred under Sections 8 and 9 of the West Bengal Land Reforms Act, 1955.

2. Learned counsel for the petitioner has raised the following exceptions to the impugned order.

- i. The Civil Court while acting as Munsif under the West Bengal Land Reforms Act, 1955 has no power to grant injunction
- ii. The present order having been passed under Section 151 CPC, the same is not appealable under the CPC.

iii. This impugned order being the interlocutory order, the same is not appealable under Section 9(6) of the West Bengal Land Reforms Act, 1955.

3. Learned counsel for the petitioner has relied upon the judgment of this Court in **Behari Lal Santaia Vs. Bishnupada Pattanayak & Ors.** reported in **1974 SCC OnLine Cal 94**, particularly at paragraph 11 which is reproduced below:

“11. The next question for consideration is whether the learned Munsif, if acting as a civil court under section 8 has the powers under section 151 of the Code to grant injunction. The law is well settled that if there are any specific provisions in the Code against granting of a prayer made before a court, those should not be passed taking recourse to section 151 sec. *Sm. Indira v. State of West Bengal*, AIR 1967 Cal 469 and *Monoharlal v. Rai Bahadur* in AIR 1962 SC 527. But if there is no such bar and there are no specific provisions for granting the prayers the court by exercise of its inherent powers for ends of justice is to grant the relief. In this Act there are no specific provisions empowering the learned Munsif, while dealing with an application under section 8, to grant injunction. Section 151 of the Code vests no new powers on the court. It only reminds the court of its inherent powers. When for ends of justice it becomes necessary for a court to grant a particular relief asked for by the parties, it exercises its inherent power under section 151 to grant if there are no specific provisions in the Act forbidding exercise of such powers. In this view of the matter, the learned Munsif should have considered the prayer for temporary injunction on merits and should not have rejected it on the view that he was not empowered to consider it Under the Act.”

4. The Court considers that there is no force in the argument of the learned counsel for the petitioner. Section 9(6) of the said Act specifically provides that any order passed by the learned Munsif is appealable before the learned District Judge having jurisdiction over the

area in which the land is situated within 30 days. Learned counsel for the petitioner has not pointed out any provision where it is forbidden for the Munsif to grant any injunction during the proceedings. It is pertinent to mention here that in **Behari Lal Santaia (supra)** it was specifically provided that the inherent power can be exercised by the Munsif if there are no specific provisions in the Act forbidding exercise of such powers.

5. The revisional jurisdiction is a limited jurisdiction where the Court can exercise its power only if there is a patent illegality or perversity. Besides, the revisional jurisdiction cannot generally be used if there is equal efficacious remedy to appeal. Since, remedy of appeal is available under the West Bengal Land Reforms Act, 1955, the revision petition cannot be entertained.

6. Hence, the present revisional application stands dismissed.

7. All parties shall act on the basis of the server copy of this order duly downloaded from the official website of this Court.

(Dinesh Kumar Sharma, J.)