

Form No. J(2)

In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

Present: The Hon'ble Justice Sabyasachi Bhattacharyya
And
The Hon'ble Justice Supratim Bhattacharya

WPLRT 44 of 2026

Anima Mondal, since deceased, represented by her legal heirs and successors
Ramlal Mondal and others

Vs.

State of West Bengal and others

For the petitioners : Mr. Debabrata Ray,
Mr. Gazi Faruque Hossain,
Ms. Sarbani Mukhopadhyay

For the State : Mr. Sk. Md. Galib, Sr. Govt. Adv.,
Ms. Sujata Mukherjee

Heard on : 30.03.2026

Judgment on : 30.03.2026

Sabyasachi Bhattacharyya, J.:-

1. Affidavit-of-service filed today be kept on record.
2. Since the writ petition is being decided on a short question, we do not invite affidavits and, as such, it is deemed that none of the allegations made in the writ petition are admitted by the respondents.
3. The short backdrop of the present litigation is that, pursuant to the successive directions of the West Bengal Land Reforms Tribunal and this Court, the concerned Revenue Officer (B.L. & L.R.O) took up the

dispute raised by the present writ petitioners by considering the order passed by the Assistant Settlement Officer under Section 57B (3) of the West Bengal Estates Acquisition Act, 1953 (for short “the 1953 Act”) and in respect of the disputed Case No. 1 of 2004 and on subsequent occasions by the appellate authority, being the Collector/Settlement Officer of the District under Section 57B (4) of the 1953 Act.

4. Being aggrieved by the final order passed by the concerned B.L. & L.R.O, the Sub-Divisional Land & Land Reforms Officer (S.D.L & L.R.O) preferred an appeal, purportedly under Section 54 of the West Bengal Land Reforms Act, 1955 (for short “the 1955 Act”), upon which the District Land & Land Reforms Officer, Hooghly (D.L. & L.R.O.) issued a notice of hearing of the appeal on July 15, 2016.
5. Being aggrieved by the said notice, the writ petitioners preferred a challenge before the Tribunal, giving rise to OA 2370 of 2016 (LRTT). By the impugned judgment dated November 07, 2025, the learned Tribunal dismissed such application, *inter alia* on the ground that the original application was not maintainable, also taking into consideration that in the meantime, the said appeal, that is, LR Appeal Case No. 43 of 2016, in connection with which the impugned notice was given, had already reached its conclusion.
6. Learned counsel appearing for the writ petitioners submits that the S.D.L & L.R.O, being a statutory authority, did not have the *locus*

standi or the jurisdiction to prefer an appeal against an order passed by the B.L. & L.R.O.

7. It is argued that it could still be understandable if the State itself preferred such appeal. However, neither the State nor the writ petitioners had any occasion to prefer any appeal. Learned counsel places reliance on the provisions of Section 54 of the 1955 Act to point out that the S.D.L & L.R.O might have been one of the appellate authorities within the contemplation of the said provision and, as such, ought not to have preferred the appeal in such capacity.
8. It is further pointed out that the fulcrum of challenge before the appellate authority on the part of the writ petitioners was the absence of *locus standi* on the part of the appellant/S.D.L & L.R.O. to prefer the appeal. Thus, even during pendency of OA 2370 of 2016 (LRTT), preferred against the assumption of jurisdiction by the appellate authority at the behest of the S.D.L & L.R.O, the said appeal was proceeded with and disposed of.
9. As such, it is argued that the disposal of the appeal itself could not have been a bar to the challenge against the notice of hearing of the same and/or could not have rendered the challenge against such notice infructuous.
10. The learned Senior Government Advocate appearing on behalf of the State submits that the writ petitioners, having participated in the appeal, which reached its logical conclusion, cannot now insist upon

the challenge to the notice of hearing of the same, which has merged in the final order passed by the appellate authority.

11. It is further contended by the writ petitioners that the premise of the challenge in the appeal, although captioned as one under Section 54 of the 1955 Act, was under Section 57B (4) of the 1953 Act. In terms of the language used in the said provision, “any person aggrieved” by a decision of the Revenue Officer may prefer an appeal to the prescribed authority.
12. It is submitted that at all points of time, both before the Tribunal at the initial stages and before this Court in the earlier writ petition(s), the S.D.L & L.R.O himself was a party and, as such, could very well come within the ambit of “any person aggrieved” as envisaged in Section 57B (4) of the 1953 Act.
13. The learned Senior Government Advocate also takes the Court through Rule 28 of the West Bengal Land and Land Reforms Manual, 1991 (for short “the 1991 Manual”) and the corresponding Appendix VI. It is submitted that as per Clause (B) (3) of the said Appendix, the S.D.L & L.R.O is also vested with the task of implementation of the ceiling provisions laid down in the 1953 and 1955 Acts.
14. That apart, under sub-clause (19) of Clause (B), the S.D.L & L.R.O is also empowered to contest court cases pertaining to the lands in which the State Government, D.L. & L.R.O. or any other officer under his control is included as a party.

15. Moreover, since the premise of the allegation of the writ petitioners before the Tribunal was, *inter alia*, the alleged inaction on the part of the respondents, the S.D.L & L.R.O, it is submitted, was sufficiently qualified to act as a person aggrieved for the purpose of preferring the appeal.
16. Upon carefully considering the provisions relied on by the parties, we find that even going by the arguments of the State, Clause (B) (19) of Appendix VI of the 1991 Manual empowers the S.D.L & L.R.O to contest court cases not on his own behalf or in the capacity of S.D.L & L.R.O as such, but in cases pertaining to lands in which the State Government, the D.L & L.R.O or any other officer under his control is included as a party. By the very language of the said provision, it is amply clear that the S.D.L & L.R.O may at best contest court cases in representative capacity on behalf of the State or its functionaries as stipulated in the said sub-clause, but not in his individual capacity as such authority. The authority of the S.D.L & L.R.O to implement ceiling provisions laid down in either the 1953 Act or the 1955 Act does not tantamount to investiture of power on the S.D.L & L.R.O to prefer appeals on behalf of the State. Such implementation has to be at the administrative level and cannot be extended to conduct of litigations in his capacity as S.D.L & L.R.O.
17. That apart, on a bare perusal at Section 54 of the 1955 Act as well as Section 57B of the 1953 Act, it is clear that an appeal can be preferred only by “a person aggrieved”.

18. In the proceeding before the B.L. & L.R.O, the order of which authority was challenged in the appeal, the S.D.L & L.R.O was not and could not have been a party. It could still be understandable if the S.D.L & L.R.O was authorized to represent the State in preferring the appeal. However, it is amply clear from the notice dated July 15, 2016 as well as the frame of the appeal that it was intended to be preferred by the S.D.L & L.R.O, a statutory authority, in such capacity and in such capacity alone, and not as a representative of the State or any of the persons aggrieved. Thus, the contention of the State to that effect cannot be accepted.
19. Even the participation of the writ petitioners in the appeal could not be a determinant as to their right to prefer a challenge to the same, since such participation was clearly under compulsion, as otherwise the appeal would proceed without the writ petitioners' case being heard.
20. Moreover, it is clear from the order passed in the appeal, a copy of which has been handed over to us by the learned Senior Government Advocate, that the objection as to *locus standi* of the appellant (S.D.L. & L.R.O.) was consistently taken by the appellant and was ultimately turned down by the appellate authority. Thus, mere participation in the appeal, by itself, could not be a deterrent for the original application preferred against the notice of hearing of the appeal to be rendered infructuous.

21. However, once the appeal has finally been decided, the challenge to the notice of hearing of the same has merged in the final order passed by the appellate authority.
22. With respect, we cannot accept the arguments of the learned Advocate for the writ petitioners to the effect that by challenging the notice of hearing issued in connection with the appeal, the very institution of the appeal was challenged by the writ petitioners.
23. Even in terms of the arguments of the appellants, the notice could be issued only upon the appeal being admitted. From the notice dated July 15, 2016 itself, it is evident that the same was for hearing to be held on a subsequent date. Thus, it is evinced from the said notice itself that the stage of admission of the appeal was already over and the appeal was fixed for hearing, of which a notice was merely given to the writ petitioners.
24. In the event the writ petitioners had challenged the initial order passed in the appeal, entertaining/admitting the same, the argument as to challenge to the threshold jurisdiction of the appellate authority might have been valid. However, a challenge to the notice of hearing, issued post-admission of the appeal, cannot be equated with a challenge to the admission of the appeal itself.
25. Thus, since the appeal has already been decided, a mere challenge to a notice of hearing of the same cannot be said to still survive, having merged with final disposal of the appeal.

26. Be that as it may, we find an extremely strong case having been made out by the writ petitioners inasmuch as the lack of *locus standi* of the S.D.L & L.R.O to prefer the appeal is concerned and the same might comprise a good ground of challenge if an appeal were to be preferred against the final order passed by the appellate authority.
27. We are also of the opinion that that cause of action for preferring such appeal ripens only with the disposal of the present writ petition, since all along the premise of the writ petition, in the perception of the writ petitioners, was that in view of the threshold challenge to the jurisdiction of the appellate authority, all further steps taken in the appeal, including final disposal of the same, would be subservient and consequential to the outcome of the present writ petition.
28. Until and unless the present writ petition was disposed of, the said perception could not have been said to attain finality in judicial adjudication, in order to entitle the writ petitioners to prefer an appeal. Thus, we deem that the cause of action for preferring the appeal against the final order passed by the appellate authority, inasmuch as the writ petitioners are concerned, ripens only with the disposal of the present writ petition.
29. Accordingly, the relevant exemptions under Section 14 of the Limitation Act, 1963 can very well be extended to the writ petitioners, if a challenge is preferred against the final order passed in the concerned appeal, bearing LR Appeal Case No. 43 of 2016, within the

period of sixty days (which is the statutory period of preferring an appeal) from date.

30. Accordingly, WPLRT 44 of 2026 is disposed of by granting liberty to the writ petitioners to prefer a challenge before the Tribunal against the final order passed by the appellate authority in LR Appeal Case No. 43 of 2016. It is further reiterated that if such appeal is preferred within sixty days from date, the learned Tribunal shall extend the benefit of Section 14 of the Limitation Act, 1963 to the writ petitioners and entertain the same without dismissing it merely on the ground of limitation and thereafter proceed to adjudicate the same on merits and in accordance with law, upon giving adequate opportunity of hearing to all the interested parties.
31. There will be no order as to costs.
32. Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)

I agree.

(Supratim Bhattacharya, J.)