

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 Supratim Bhattacharya

WPLRT 46 of 2026

Enamul Hoque
Vs.
The State of West Bengal and Ors.

For the petitioner	:	Mr. Pinaki Dhole, Mr. Rabindra Kr. Pathak, Ms. Srijita Noe, Advs.
For the respondent nos. 5 to 9	:	Mr. Ambu Bindu Chakraborty, Adv.
For the State	:	Sk. Md. Galib, Ld. Snr. Govt. Adv., Mr. Tamal Taru Panda, Adv.
Heard on	:	March 30, 2026.
Judgment on	:	March 30, 2026.

Sabyasachi Bhattacharyya, J.:

1. Affidavit of service filed today be kept on record.

2. In view of no affidavits being invited, since the appeal is on a short ambit, it is deemed that none of the allegations made in the writ petition are admitted by the respondents.
3. Being aggrieved by an order passed by the concerned Block Land and Land Reforms Officer (B.L. & L.R.O.), recording the name of the writ petitioner in respect of the subject property on the strength of a registered gift deed executed in favour of the writ petitioner, the private respondents preferred a challenge by way of an appeal under Section 54 of the West Bengal Land Reforms Act, 1955 before the Appellate Authority.
4. The said appeal was held by the Appellate Authority not to be sustainable in view of the question of false and fabricated “Danpatra” (gift deed) being already involved in Civil Suit no. 173 of 2019. It is relevant to mention here that the said reference is to a suit filed by the private respondents before the appropriate Civil Court challenging the gift deed in favour of the writ petitioner, which was the very basis of the recording of the name of the writ petitioner in the Records of Rights.
5. The learned Tribunal, by the impugned judgment, set aside the order of the Appellate Authority *inter alia* on the ground that the gift deed, which was registered post demise of the donor,

was a void document and as such, the recording of the name of the writ petitioner was bad.

6. Heard learned counsel for the parties.
7. There are two aspects of the impugned judgment of the Tribunal. By the first limb thereof, the learned Tribunal set aside the order of the Appellate Authority, on a certain ground which we will be coming to presently. Insofar as the said component of the impugned judgment is concerned, although we do not agree with the ground assigned for doing so, we agree with the conclusion of the impugned judgment inasmuch as the order of the Appellate Authority was set aside, albeit on different grounds.
8. The scope of adjudication in a civil suit by a competent court in a suit of the nature as filed by the private respondents, challenging a registered gift deed, is entirely different from that in a proceeding before the B.L. & L.R.O. for recording of the names of persons in the Records of Rights and/or in a challenge against the same under Section 54 of the 1955 Act. It would be in context to take note of Section 61 of the 1955 Act, which precludes the Civil Court from having any

jurisdiction in matters which come within the exclusive domain of the authorities under the 1955 Act.

9. Thus, the parameters applicable to and the scope of adjudication in a civil suit are entirely different from an adjudication of an appeal under Section 54 of the 1955 Act, although there might be incidental overlaps between the two.
10. Hence, the Appellate Authority, in our opinion, erred in law in misappreciating the scope of an appeal under Section 54 of the 1955 Act by dismissing the appeal of the private respondents merely on the ground that a civil suit was pending between the parties relating to the alleged gift deed of the writ petitioner. Whatever judgment might ultimately be passed in the civil suit would definitely lead to consequential action on the part of the parties in furtherance thereof. However, the pendency of a civil suit simpliciter, challenging the gift deed, cannot be a germane consideration for the Appellate Authority under Section 54 of the 1955 Act to stay its hands in such appeal.
11. However, the other conclusion of the learned Tribunal was *de hors* its jurisdiction, inasmuch as the learned Tribunal held that since the registration of the gift deed in favour of the writ

petitioner was done posthumously, after the demise of the donor, the said gift deed was null and void. Since the question of the validity of the gift deed is under consideration before a competent Civil Court, within whose exclusive domain such adjudication falls, the learned Tribunal, in a challenge to an order passed under Section 54 of the 1955 Act, transgressed beyond its jurisdiction and entered into the domain of the Civil Court in holding the gift deed to be null and void. Thus, such component of the impugned judgment cannot be sustained.

12. Be that as it may, in the fitness of things, the appeal ought to be revived for being heard afresh on merits, irrespective of and independent of the pendency of the civil suit relating to the concerned gift deed in favour of the writ petitioner.
13. Accordingly, WPLRT 46 of 2026 is disposed of on contest, thereby partially setting aside the impugned judgment dated September 24, 2024 passed by the Third Bench, West Bengal Land Reforms and Tenancy Tribunal in OA No.1310/2023 (LRTT) insofar as the learned Tribunal adjudicated that the gift deed executed in favour of the writ petitioner was a nullity. Consequentially, the findings of the learned Tribunal on the merits of the gift deed are hereby expunged.

14. However, the conclusion of the impugned judgment is hereby partially affirmed, thereby setting aside the impugned order of the Appellate Authority dated February 17, 2023 passed in Appeal Case no. 317 of 2021 and remanding the matter to the Appellate Authority for a fresh adjudication of the appeal on its own merits, independently of the pendency of the civil suit between the parties, in accordance with law.
15. It is, however, made clear that the Appellate Authority shall not be swayed in any manner on the merits of the appeal, either by the observations made by this Court or those made by the learned Tribunal in its impugned judgment.
16. Needless to say, upon the civil suit attaining finality and culminating in a decree, it will be open to the parties to take steps accordingly in furtherance thereof.
17. There will be no order as to costs.
18. Urgent certified copies of this judgment, if applied for, be supplied to the parties upon compliance of all requisite formalities.

I agree.

(Sabyasachi Bhattacharyya, J.)

(Supratim Bhattacharya, J.)

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30.03.2026
(SSS)