

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 No. 52 of 2026
with
WPLRT No. 53 of 2026

M/s. Uma Forging Works (P) Ltd.
-vs-
The State of West Bengal and others

For the writ petitioner : Mr. Supratim Dhar, Sr. Adv., appell
Mr. Shouvik Naskar.

For the State
in WPLRT No. 52 of 2026 : Mr. Lalit Mohan Mahata, AGP.,
Mr. Rudranil De.

For the State
in WPLRT No. 53 of 2026 : Sk. Md. Galib, Sr. Govt. Adv.,
Mr. Tamal Taru Panda.

For the respondent no. 5 : Mr. Soumyadeb Sinha,
Mr. Hiranyak Gangopadhyay.

For the respondent no. 6 : Mr. Aditya Kanodia.

For the respondent no. 7 : Mr. Rudrajit Sarkar.

Heard on : March 31, 2026.

Judgment on : March 31, 2026.

Sabyasachi Bhattacharyya, J.:

1. Affidavit-of-service filed in Court today be kept on record.
2. The present challenge has been preferred against an order whereby the West Bengal Land Reforms and Tenancy Tribunal has allowed a challenge against an order passed by the Appellate Authority confirming the order of the concerned Block Land & Land Reforms Officer (BL & LRO) and directing the BL & LRO to decide the mutation application filed by the present respondent no. 5 in accordance with law.
3. The BL & LRO as well as the Appellate Authority had turned down the application for mutation primarily on the premise of pendency of a civil suit at the behest of the writ petitioner.
4. Learned senior counsel appearing for the writ petitioner submits that in view of the pendency of the dispute between the parties before the civil court with regard to the selfsame property, it would not be proper if the mutation application is decided by the Revenue Officer during such pendency.
5. In support of such proposition, learned counsel cites three unreported coordinate Bench judgments of this Court, respectively in the matters of *WPLRT No. 300 of 2014*,

WPLRT No. 140 of 2014 (Akriti Vyapaar Pvt. Ltd. and Ors. Vs. Priyanath Saha and ors.) and WPLRT No. 356 of 2014 (Sri Chandranath Khan Vs. The State of West Bengal and Ors.) as well as an order of the Hon'ble Supreme Court in SLP (C) Diary No. 68933 of 2025 [Lipika Dutta & Ors. Vs. State of West Bengal & Ors.].

6. Learned senior counsel next contends that in terms of the order of *status quo* granted by the civil court, the parties are to maintain *status quo* with regard to the nature, character and possession of the suit property. It is submitted that in the event mutation is effected in the teeth of such order; the same will be in gross contravention of the said order.
7. Learned senior counsel cites Rule 59 of the West Bengal Land and Land Reforms Manual, 1991 (in short "the 1991 Manual") to argue that the process of mutation requires an enquiry to verify physical possession of the applicant, examination of the registered transfer deed and other modes of collection of evidence in respect of matters which are the subject matter in the civil suit itself.
8. Thus, it is argued that since the scope of such enquiry overlaps with the examination before the civil court, the

Appellate Authority as well as the BL & LRO were justified in staying their hands insofar as the mutation case is concerned, in view of the pendency of the civil litigation.

9. Learned counsel appearing for the respondent no. 5, who is defendant no. 1 in the suit filed by the writ petitioner (bearing Title Suit No. 178 of 2014), argues that there has been suppression of material facts before this Court. It is contended that in the *status quo* order dated March 15, 2023 itself, it was recorded by the civil court that the defendant no. 1-respondent no. 5 is now in physical possession of the suit property as well as the owner of the same. Thus, it is argued that the mutation, if granted in the name of respondent no. 5, shall not be contrary to the order of *status quo* passed by the civil court.
10. Learned counsel appearing for the respondent no. 6 hands over a copy of an order dated March 15, 2023 whereby the civil court, in the suit filed by the present petitioner, had observed that it cannot be said that by trying to mutate his name, the defendant no. 1-present respondent no. 5 is violating the order of *status quo*, which necessitates the interference of the said court under Section 94(c) of the Code of Civil Procedure.

11. Thus, in the perception of the civil court as well, the mutation in respect of the subject property would not amount to contravention of the civil court's order.
12. It is further argued that the decisions cited by the writ petitioner did not lay down any proposition of law as such, but such orders were passed in the circumstances of each case.
13. Even otherwise, it is submitted that the scope of adjudication in the civil suit is different and distinct from that of an enquiry for the purpose of mutation under the West Bengal Land Reforms Act, 1955 (the Act of 1955).
14. Learned counsel for the respondent no. 6 relies on an unreported judgment of this Court in *WPLRT No. 206 of 2025 (Sohel Ahammed Vs. The State of West Bengal and others)* where it was held by this Court that it is well-settled that an order of injunction binds only the parties and not any Tribunal or forum, and, in any event, an adjudication by the Tribunal shall only affect the legal nature of the possession of the parties and not the nature, character and possession of the suit property in its corporeal sense; hence, such adjudication shall not be violative of the *status quo* order passed by the civil court in any event.

15. Learned counsel appearing for the respondent no. 7 herein argues, by placing reliance on the existing records of rights as they now stand, extracts of which are annexed to the writ petitions, that the subject property is now recorded in the name of the erstwhile owners, that is, the respondent no. 6 and respondent no. 7 respectively in the two writ petitions.
16. As such, even if mutation takes place in the name of the respondent no. 5 herein, who is the subsequent purchaser from the said erstwhile owners, there would be no affectation of the writ petitioner's right in any manner whatsoever.
17. Even otherwise, learned counsel cites *Jitendra Singh Vs. State of Madhya Pradesh and others*, reported at 2021 SCC OnLine SC 802, where the Hon'ble Supreme Court reiterated the proposition that the mutation of property in revenue records neither creates nor extinguishes title to the property, nor has it any presumptive value on title and it is only for the purpose of collecting land revenue.
18. Insofar as the title of the property is concerned, the Hon'ble Supreme Court held that it can only be decided by a competent civil court.

19. Learned senior counsel appearing for the petitioners argues in reply that in the affidavit-in-opposition filed before the Tribunal to the Original Application which is the genesis of the present challenge, the respondent no. 6 had admitted that in view of the pendency of the civil litigations, the Revenue Officer should not proceed with the mutation proceedings.
20. However, to this, learned counsel for the respondent no. 6 respondents that such affidavit was filed prior to a settlement between the respondent no. 6 and respondent no. 7 in the two writ petitions as well as the other erstwhile owners with the respondent no. 5, the purchaser of the subject property from the said owners.
21. Thereafter, a suit initially filed by the erstwhile owners challenging the purchase deed of the respondent no. 5/subsequent purchaser was withdrawn and the matter was settled between the parties.
22. As such, it is submitted that the stand taken in the affidavit-in-opposition filed prior to the said settlement cannot be taken into consideration to reflect the current stand of the erstwhile owners.

23. Upon considering the arguments of the parties, it transpires that the cardinal issue involved is two-fold – first, as to whether it would be proper for the Revenue Officer to proceed with the mutation proceeding in terms of the impugned judgment of the Tribunal during pendency of the civil suit and secondly, as to whether, in the teeth of the status quo order passed by the civil court, such further proceeding with the mutation case should be deemed to stand debarred.
24. Insofar as the first issue is concerned, with deepest respect, in the judgments of coordinate Benches of this Court cited by the writ petitioner, no general proposition of law was laid down as such.
25. The observation in a judgment is a binding precedent only when it forms a part of the ratio. To comprise the ratio of a decision, an issue has to be raised, considered and decided on merits.
26. However, in WPLRT No. 300 of 2014, it was merely recorded by the coordinate Bench that by the order impugned therein, the Tribunal had disposed of the original application and directed the BL & LRO to dispose of the application for correction of revenue settlement records of rights filed by the

private respondents and that the court was informed that some of the private respondents had instituted a title suit, which was pending, where ad interim injunction was refused. The coordinate Bench further observed that the court is empowered to pass a decree of declaration of title and therefore the decree of the civil court, particularly when in such suit the State is a party, is relevant for correction of the settlement record of rights and accordingly restrained the BL & LRO from considering the application for correction of settlement recordd of rights filed by the private respondents till disposal of the suit pending before the trial court.

27. However, it is not clear from the said judgment as to what was the exact scope of the suit and the reliefs claimed therein. The coordinate Bench proceeded on the premise that the State was a party in the suit and as such, it would not be appropriate, before the civil court decided the rights of the parties, for the BL & LRO to proceed with the correction of revenue settlement records.

28. In *Akriti Vyapaar Pvt. Ltd.* (supra), the coordinate Bench, without any reference to the scope of the factual matrix therein, merely observed that having regard to the fact that

civil suits are pending between the private respondents and the writ petitioners concerning their respective claims for title over the suit property, the BL & LRO cannot correct the record of rights in the manner as it was prayed for by the private respondents as the dispute regarding title between the parties cannot be decided by the BL & LRO.

29. *Sri Chandranath Khan* (supra), the Division Bench, similarly, expressed its opinion that justice would be subserved if the record of rights was corrected immediately after disposal of the suit generally.

30. In *Lipika Dutta* (supra), the Hon'ble Supreme Court observed that the issue brought before the High Court was only the refusal to grant interim relief by the Tribunal, upon consideration of the appeal filed by the respondent no. 6 therein and it appeared that the High Court was not apprised of the fact that one Panchanan Mondal had sold 6 *bighas* 18 *kathas* of land pursuant to a decree passed in a preemption suit filed by Panchanan Mondal.

31. In the facts of the case, the Hon'ble Supreme Court went on to hold that the WBLRTT is only seized of the appeal in relation to mutation proceedings and it was the civil court

which would ultimately decide the rights of the parties in relation to the subject property and that the decision of the civil court would be binding upon the revenue authorities concerned insofar as the mutation entries are concerned.

32. Consequentially, the Hon'ble Supreme Court allowed the appeal directing the authorities concerned to maintain *status quo* insofar as the existing mutation entries are concerned without prejudice and await the decision of the civil court in the pending suit of the year 2022.

33. It is notable that in none of the said judgments, the specific scopes of the respective suits and/or the interplay between the suit and the mutation proceedings was considered, nor were the effect of the specific provisions of the 1955 Act taken into account. In the absence of any such consideration, none of the said judgments can be said to be a binding precedent on the scope of adjudication of a civil suit versus that of a Revenue Officer under Section 50 of the 1955 Act, read in the context of Section 61 thereof.

34. A judgment is a binding precedent only in the factual context of the same and the proposition of law laid down directly, and not what can be inferred therefrom. The general

discussions in the cited judgments, without particular reference to the respective scopes of the suits and the factual matrices thereof, and without any issue being raised or decided on the effect of the relevant provisions of the 1955 Act, cannot, with respect, be construed as binding precedents in the present context and in the facts of the instant *lis*.

35. Section 50 of the 1955 Act empowers the prescribed authority to maintain up-to-date in the prescribed manner the village records of rights by incorporating therein changes on account of mutation of names as a result of transfer or inheritance etc.
36. Thus, the scope of enquiry by the prescribed authority under Section 50 is in the nature of an administrative process, limited to an enquiry as to the actual possession and the transfer deeds of the parties, which is also borne out by Rule 59 of the 1991 Manual, relied on by the writ petitioner. It is to be noted that such exercise is merely procedural and ministerial in nature and does not have any element of judicial or quasi-judicial adjudication, contrary to the scope of a civil suit.

37. In any event, the recordings in the records of rights are always subject to a decree passed by a civil court, which conclusively determines the rights of the parties, which has also been recognized in the judgment of the Tribunal impugned before us.
38. However, the question here is whether the Revenue Officer or the prescribed authority should stay its hands insofar as mutation is concerned, merely because of pendency of a civil suit.
39. Section 61 of the 1955 Act specifically debars the jurisdiction of the Civil Court, preceded by a non-obstante clause, from determining any question relating to any land or connected with any matter which is required to be or which has been enquired into or decided by any Revenue Officer or prescribed authority under the provisions of the said Act. The non-obstante clause overrides any other law for the time being in force or any decree, judgment, decision or award of any court, Tribunal or authority.
40. Thus, the language of Section 61 is couched in the widest possible amplitude.

41. Hence, it is evident from the provisions of the 1955 Act that the scope of enquiry and adjudication falling within the domain of the authorities prescribed under the said Act are completely different in scope from the adjudication of title in a civil suit. Despite the decree of a civil court being conclusive in nature and binding between the parties, *per se* the pendency of a civil suit before a competent civil court cannot operate as a bar to a proceeding falling within the exclusive domain of the authorities under the 1955 Act. A conjoint reading of Sections 50 and 61 of the 1955 Act unerringly indicates that an enquiry for the purpose of mutation and the adjudication of title in a civil suit operate in different spheres.

42. Also, in *Jitendra Singh (supra)*, the Hon'ble Supreme Court categorically reiterated the well-settled principle of law that mutation of property in revenue records neither creates nor extinguishes title to the property nor has it any presumptive value on title and such entries are relevant only for the purpose of collecting land revenue. It was further observed that so far as the title of the property is concerned, it can only be decided by a competent civil court. Thus, there is no overlap of jurisdiction of the authorities under the 1955 Act in a

mutation proceeding and that of a civil court in a regular civil suit.

43. Thus, mere pendency of civil suits cannot *per se* be considered to be a bar to the continuance of a mutation proceeding.

44. Coming to the next issue, a question arises as to whether the *status quo* order passed by the civil court in the present case would operate as a bar to mutation of the name of respondent no. 5 in respect of the subject property.

45. In *Sohail Ahmed (supra)*, it was considered by the Court that an order of injunction binds only the parties and not any Tribunal or forum and, in any event, an adjudication by the Tribunal only affects the *legal* nature of the possession of the parties and not the nature, character and possession of the suit property in its *corporeal* sense.

46. As rightly pointed out by learned counsel for respondent no. 7, it is evident from the extracts of the records of rights annexed to the writ petitions by the writ petitioner itself that the records, at present, stand in the name of the erstwhile owners, who have transferred the property in favour of respondent no. 5.

47. The erstwhile owners support the stand of respondent no. 5 and have withdrawn the suit challenging the sale deed in favour of the latter and as such there cannot be any affectation of the rights of the plaintiff / writ petitioner in any manner whatsoever if the names in the records of rights are altered from that of the erstwhile owners to the current purchaser, being the respondent no. 5.
48. It might have been otherwise, though, if the alteration was sought from the name of the present petitioner to that of respondent no. 5. However, it being not so, the alteration does not have any material bearing on the rights of the plaintiff/writ petitioner as claimed in the suit in any event.
49. Secondly, the *status quo* order was passed in the suit in respect of the nature, character and possession of the suit property.
50. Insofar as the nature and character of the suit property, in its corporeal sense, is concerned, as held in *Sohel Ahammed* (supra), there would not be any material change in the event mutation is effected in the name of a particular person. It would only be relevant for the purpose of revenue collection,

and not create, extinguish or confer any title, as reiterated in *Jitendra Singh* (supra) by the Hon'ble Supreme Court.

51. The term 'possession', as normally used in a *status quo* or injunction order passed by the civil court, pertains specifically to the physical possession of the property.
52. Even in the *status quo* order dated July 24, 2024, relied on so heavily by the writ petitioner, it was recorded that the plaintiff/petitioner is merely in constructive possession of the suit property whereas the physical possession of the suit property lies with defendant no. 1 / respondent no. 5. Hence, mutation of the property in the name of respondent no. 5 would merely recognize such possession and not create any alteration in the state of affairs.
53. That apart, the scope of the suit filed by the writ petitioner cannot also be overlooked. The primary relief sought by the writ petitioner is a declaration that it is an irrevocable licensee in respect of the suit property. The other principal relief sought is a decree for declaration that the plaintiff/company is the absolute owner of the entire factory shed together with plant and machinery installed therein, lying and situate in the suit property.

54. Thus, the plaintiff / writ petitioner, in its own suit, categorically distinguishes between the rights asserted by it in respect of the subject land and the factory shed along with the plant and machinery installed thereon.
55. Ownership of the plaintiff has been claimed, even as per the plaintiff / writ petitioner's own version, only in respect of the factory shed and the plant and machinery installed thereupon whereas with regard to the subject land, the plaintiff merely claims right as an irrevocable licensee and not as the owner.
56. Thus, even if the suit were to be decreed in favour of the plaintiff, the best relief which could be obtained by the plaintiff would be a declaration of its right to irrevocable licence, pertaining to possession of the suit property, and not any ownership right in respect of the same.
57. Hence, the ownership of the subject property of respondent no. 5 stands undisputed, be it from the perception of the erstwhile owners or the plaintiff /petitioner itself.
58. Accordingly, in the facts of the present case, even the final outcome of the suit would not have a material bearing in respect of the ownership of the subject property, which is an important determinant insofar as mutation is concerned.

59. Secondly, vide order dated March 15, 2023, the learned Trial Judge, while interpreting its previous status quo order, categorically observed that it could not be said that by praying to mutate his name, defendant no. 1 is violating the order of status quo.
60. It may be noted that the nature of the status quo order passed at that juncture was similar to the present status quo, granted subsequently.
61. The civil court clearly elaborated that it cannot pass any order upon the mutating authority to restrain it from mutating the name of any person and even if the right of a person upon a property is established after the trial and eventually he gets a decree of declaration that he is the true owner, the civil court cannot direct the BL & LRO to correct any mutation entry which is against the interest of such person. What the decree holder can do is to make an application before the BL & LRO intimating the fact of the decree passed in his favour and to pray for necessary correction of the record of rights. The process of mutation entry is governed by a specific statute, that is, the 1955 Act, and the Revenue Officer is empowered

by this Act to mutate the name of the person in the records of rights.

62. In our view, such observation of the civil court was a perfect exposition of the law on the subject and cannot be faulted.

63. Hence, even in the perception of the civil court itself, its *status quo* order would not be flouted in the event mutation was effected in respect of the subject property.

64. Hence, the second issue has also to be decided against the writ petitioner, since the mere mutation in respect of the property, if ultimately effected, would not tantamount to violation of the status quo order passed by the civil court in any manner whatsoever.

65. Another aspect of the matter cannot be overlooked altogether. The learned Tribunal, by the impugned judgment, has correctly not directed the Revenue Officer to mutate the records in the name of the respondent no. 5 outright but has merely remanded the matter to the concerned BI & LRO, Domjur, to reconsider the process of mutation application strictly in accordance with law on the basis of the registered deed of conveyance without being influenced by mere pendency of the civil suit.

66. In our view, in the facts of the present case, the said direction was the only plausible and correct direction to be passed in the circumstances of the case.
67. Neither the prescribed authority nor the Appellate Authority took into consideration all the above facets of the matter, as opposed to the Tribunal, which took into account all the relevant aspects of the case as well as correctly interpreted the law governing the *lis*.
68. Thus, we cannot find any fault with the impugned judgment of the Tribunal.
69. Hence, WPLRT No. 52 of 2026 and WPLRT No. 53 of 2026 are dismissed on contest, thereby affirming the impugned common judgment dated February 19, 2026 passed by the Third Bench, West Bengal Land Reforms and Tenancy Tribunal in OA No. 3896 of 2023 and OA No. 3897 of 2023 (LRTT).
70. In view of the pendency of the writ petitions till now, the period of eight weeks for the entire exercise to be completed by the BL & LRO, as granted by the Tribunal, is extended for a further period of ten weeks from date. Such further time is also

granted in view of the prayer made by the learned AGP on the ground of the upcoming Elections in the State.

71. It is made clear that the observations in this judgment have been arrived at only for the purpose of present adjudication and shall not affect the rights and contentions of the parties in any manner either before the civil court or before any other forum.

72. There will be no order as to costs.

73. Urgent photostat certified copy of the order, if applied for, be supplied to the parties at an early date.

I agree.

(Sabyasachi Bhattacharyya, J.)

(Supratim Bhattacharya, J.)