

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 71 of 2026

Prabir Kumar Ghosh @ Prabir Ghosh and others
Vs.
The State of West Bengal and others

For the petitioners : Mr. Prosenjit Mukherjee,
Mr. Arghya Kamal Das,
Ms. Babita Pramanik

Heard on : 29.06.2026

Judgment on : 29.06.2026

Sabyasachi Bhattacharyya, J.:-

1. Despite service, none appears for the State at the time of call.
2. The ambit of the present challenge is limited. The petitioners, on the strength of a decree passed by a Civil Court declaring the right, title and interest of the petitioners in respect of the subject property, made a representation before the Block Land & Land Reforms Officer (B.L. & L.R.O), Pursurah, District: Hooghly, seeking their names to be mutated in respect of the subject property.
3. The representation was kept pending before the concerned B.L. & L.R.O, prompting the petitioners to move an original application

before the learned Tribunal for expeditious disposal of the same. However, while taking up such application, the learned Tribunal decided on the merits of the representation and came to the conclusion that since the petitioners have admitted that they are not in possession of the subject property, it would be difficult to issue a direction on the B.L. & L.R.O to take steps for correction of the records of rights in respect of the subject land.

4. Learned counsel for the petitioners points out that in view of the decree of the Civil Court, the right, title and interest of the petitioners in respect of the subject plots have been established conclusively. Hence, as a necessary corollary, it was for the B.L. & L.R.O to mutate the names of the petitioners.
5. We find from the representation-in-question that the writ petitioners had mentioned therein in the passing that taking undue advantage of the wrong recording in the LR records of rights, the private respondents are continuing to be in forceful possession of the property.
6. However, the premise of mutation is not merely *actual physical* possession but *legal* possession of the person concerned.
7. Since the Civil Court has already declared the right, title and interest of the writ petitioners in respect of the subject plot, even if the private respondents are in occupation of the said plot forcibly, such possession is *prima facie* not lawful. Thus, the learned Tribunal acted without jurisdiction in dismissing the original application of the writ petitioners outright.

8. Even otherwise, the learned Tribunal prejudged the issue, while taking up an application merely for a direction on the jurisdictional B.L. & L.R.O, which is the competent statutory authority, and decided the representation regarding the mutation of the writ petitioners' names, thereby depriving the writ petitioners of a forum of challenge. Such usurpation of authority by the learned Tribunal is also *de hors* jurisdiction and is vitiated on such count as well.
9. Accordingly, WPLRT 71 of 2026 is allowed, thereby setting aside the impugned order dated January 22, 2026 passed by the Fourth Bench, West Bengal Land Reforms and Tenancy Tribunal in OA No. 1369 of 2023 (LRTT) and directing the B.L. & L.R.O, Pursurah, District: Hooghly to dispose of the writ petitioners' representation dated February 10, 2023, which was received by the B.L. & L.R.O on February 11, 2023, as expeditiously as possible, independently and in accordance with law, upon giving adequate opportunity of hearing to the petitioners as well as all interested persons, preferably within six weeks from the date of communication of this order to the B.L. & L.R.O.
10. It is made clear that while deciding such representation, the B.L. & L.R.O shall not be influenced unduly by any of the observations made herein or in the impugned order.
11. There will be no order as to costs.

12. 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.)

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