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 Md. Shabbar Rashidi

W.P.L.R.T. No. 95 of 2026

Asiruddin Sk.
Vs.
The State of West Bengal and Ors.

With

W.P.L.R.T. No. 96 of 2026

Bisharat Sk. @ Bishu Sk.
Vs.
The State of West Bengal and Ors.

For the petitioners in WPLRT 95 of 2026 & WPLRT 96 of 2026	:	Mr. Subhendu Bandopadhyay, Mr. Arindam Mitra, Mr. Saikat Pal, Advs.
For the respondent nos. 5, 6, 8 & 9	:	Mr. Mukteswar Maity, Ms. Manika Sarkar, Advs.
For the State	:	Mr. Nilanjan Bhattacharjee, Senior Standing Counsel, Mr. Sovan Mukherjee,

Mr. Suman Banerjee,
Mr. Palash Bapari, Advs.

Heard on : November 19, 2026.

Judgment on : November 19, 2026.

Sabyasachi Bhattacharyya, J.:

1. In view of the identity of causes of action, both the writ petitions are taken up together for hearing.

2. Affidavits of service filed today be kept on record.

3. Heard learned counsel for the parties.

4. By the impugned judgment, the learned Tribunal affirmed an order passed by the Appellate Authority setting aside mutation of the subject plot, i.e. plot no. 1048/1477, in favour of the petitioners.

5. Learned counsel for the petitioners argues that on the strength of the gift deed executed in favour of the petitioners and the chain deed preceding the same, by which the donor of the petitioners got the property, the Revenue Officer (B.L. & L.R.O) was justified in granting mutation.

6. However, we find from the gift deed purportedly executed in favour of the petitioners, on the strength of which the mutation was sought (a copy of which is handed over today in court by learned counsel for the petitioners), that the property transferred by the

deed of gift pertains to the parent Dag no. 1048 and not the bata plot no. 1048/1477, in respect of which mutation was granted. Although the title deed of the vendor of the petitioners pertained to plot no. 1048/1477, the same cannot come to the aid of the petitioner in view of the petitioners' own gift deed, on the strength of which mutation was sought, referring to the parent dag no. 1048 and not bata dag no. 1048/1477.

7. There is a gulf of difference between the two, since a bata plot is a sub-divided or fractional plot carved out of the original parent plot, the residual portion of the parent plot retaining the original plot no. after such sub-division.

8. As such, we do not find any illegality in the judgment of the learned Tribunal affirming the order of the Appellate Authority, whereby the mutation in respect of plot no. 1048/1477 in favour of the petitioners was set aside.

9. Accordingly, W.P.L.R.T. no. 95 of 2026 and W.P.L.R.T. no. 96 of 2026 are dismissed on contest, thereby affirming the impugned judgments dated March 19, 2026 passed by the First Bench, West Bengal Land Reforms and Tenancy Tribunal in OA Nos. 2495 and 2496 of 2022 (LRTT).

10. However, it is made clear that the above findings and/or the dismissal of the present writ petitions shall not preclude the writ petitioners from seeking mutation in future, in the event any decree is passed by the civil court where the partition suit is pending and/or in any other civil suit, if any, in favour of the petitioners. In such an event, upon the petitioners applying afresh for mutation on the strength of such civil court's decree, the appropriate authority shall, upon giving adequate notice and opportunity of hearing to all persons interested, including the present private respondents, decide on the same, independently and in accordance with law.

11. There will be no order as to costs.

12. Urgent photostat certified copies of this judgment, if applied for, be supplied to the parties upon compliance of all requisite formalities.

I agree. (**Sabyasachi Bhattacharyya, J**.)

(**Md. Shabbar Rashidi, J**.)

AD- 23-24
Ct No.16
(SSS)