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. 102 of 2026

Sri Sukumar Deyashi and Anr.
Vs.
The State of West Bengal and Ors.

For the petitioners	:	Mr. Ram Chandra Guchhait, Adv.
For the State	:	Mr. Nilanjan Bhattacharjee, Senior Standing Counsel, Ms. Jayita Dhar Chakraborty, Mr. Suman Banerjee, Advs.
Heard on	:	November 20, 2026.
Judgment on	:	November 20, 2026.

Md. Shabbar Rashidi, J.:

1. The present writ petition has been filed by the petitioners assailing a judgment and order passed by the West Bengal Land

Reforms and Tenancy Tribunal in OA no. 150 of 2012 (LRTT) on May 13, 2026.

2. The present petitioners trace their title from one Harimati Dasi, who was recorded as a possessor in the CS Records of Rights in respect of the suit properties. Subsequently, the said Harimati Dasi was recorded as a raiyat in the RS ROR in respect of the suit properties. It has been submitted that the said Harimati Dasi settled the suit properties by way of two separate deeds of settlement as well as a deed of gift. After acquiring such properties through the ways indicated above, the present petitioners became owners in respect of the suit properties.

3. It is further submitted by the advocate for the petitioners that subsequently the State started a proceeding under Section 44(2a) of the West Bengal Estates Acquisition Act, 1953. By an order passed in the said proceeding, the RS Records of Rights in respect of the suit properties were rectified. It was alleged in the said proceeding that the suit properties were transferred after the vesting of the suit properties to the State. It was contended that the present petitioners were post-vesting transferees of the suit land and as such, they did not acquire any right, title and interest in respect of the same.

4. Learned advocate for the petitioners further submit that after acquiring the suit properties by the deeds of gift as well as the settlement, the petitioners approached the authorities for recording their names in respect of the suit properties in the LR Records of Rights. Subsequently, the petitioners also filed a civil suit before a Civil Court praying for declaration of their right, title and interest in respect of the suit properties. The State was a party to such suit. The State appeared in the suit and filed its written statement. However, subsequently, the State did not contest the suit. Accordingly, the suit was decreed *ex parte* in favour of the present petitioners, declaring their right, title and interest in respect of the suit properties.

5. Learned Senior Standing Counsel appearing on behalf of the State submits that the State was entitled to rectify the entries in the Records of Rights in terms of the provisions contained in Section 44(2a) of the Act of 1953.

6. Learned Senior Standing Counsel appearing on behalf of the State further submits that in any case, the original owner Smt. Harimati Dasi did not submit her option in Form B to retain the suit properties. He further submits that the suit for declaration of title filed on behalf of the petitioners was in effect a suit for correction of

the Records of Rights which is barred under Section 57B of the Act of 1953.

7. Having heard the submissions on behalf of the learned advocate for the petitioners as well as the learned Senior Standing Counsel appearing for the State, it appears that the suit property was initially recorded in the CS Records of Rights in the name of the predecessor-in-interest of the petitioners i.e. Smt. Harimati Dasi as a possessor thereof. Subsequently, her name was recorded in the RS ROR as a raiyat in respect of the suit properties. The present petitioners acquired the entire suit properties by dint of the deed of settlement as well as the deed of gift executed by the successor-in-interest of the said Harimati Dasi.

8. In the impugned judgment and order, the learned Tribunal, while considering the application of Section 57B of the Act of 1953, held as follows:-

"Borrowing wisdom from the ratio of the decision referred to above, we do conclude that there is no scope to consider the judgment and decree of the Title Suit being No. 60 of 1993, for correction of record-of-rights in respect of the subject land, particularly when the applicants are post vesting transferees. As a logical corollary, we do hold that question of inaction in the matter

of correction record-of-rights does not arise, when the prescribed Authority has no scope to take action for correction of record-of-right in respect of the subject land which had vested to the State. So we are not inclined to issue any abortive order in connection with alleged inaction. Hence, the Original Application being OA No. 150 of 2012 is dismissed on contest. No costs of hearing."

9. Apparently, the name of the predecessor-in-interest of the present petitioners was recorded in respect of the suit properties in the CS Records of Rights as well as RS Records of Rights. The said Records of Rights and more specifically, the RS Records of Rights has been sought to be corrected on behalf of the State in terms of a proceeding initiated under Section 44(2a) of the Act of 1953.

10. Section 44(2a) of the Act reads as follows:-

"44 (2a) An officer specially empowered by the State Government may, on application within nine months, or of his own motion within [sixty years], from the date of final publication of the record-of-rights or from the date of coming into force of the West Bengal Estates Acquisition (Second Amendment) Ordinance, 1957 (West Ben. Ord. X of 1957), whichever is later, revise an entry in the record finally published in accordance with the provisions of sub

section (2) after giving the persons interested an opportunity of being heard and after recording reasons therefor:

Provided that nothing in the foregoing paragraph shall be deemed to empower such officer to modify or cancel any order passed under section 5A, while revising any entry:

Provided further that no such officer shall entertain any application under this sub-section or shall of his own motion take steps to revise any entry, if an appeal against an order passed by a Revenue Officer on any objection made under sub-section (1), has been filed before the commencement of the West Bengal Estates Acquisition (Second Amendment) Ordinance, 1957, before a tribunal appointed for the purpose of this section, and, notwithstanding anything in this section, any such appeal may continue and be heard and disposed of as if the West Bengal Estates Acquisition (Second Amendment) Ordinance, 1957, had not been promulgated."

11. As it transpires from the provisions of Section 44(2a), it clearly stipulates that the State may revise an entry in the records finally published in accordance with the provisions of sub-section (2) after

giving the persons interested an opportunity of being heard and after recording reasons thereof.

12. It has been specifically stated in the case at hand that no notice whatsoever was ever served upon the petitioners or the original owners in respect of such proceeding. They were denied the opportunity of being heard as stipulated in the provisions of Section 44(2a).

13. The petitioners approached for declaration of their right and title over the suit properties before a civil court. A competent civil court passed a decree for declaration of right and title over the suit properties in favour of the present petitioners. The learned Tribunal proceeded to impose a bar under Section 57B of the Act of 1953 after a valid decree for declaration of right and title of the petitioners over the suit properties was passed by a competent civil court. We do hold that a bar under Section 57B of the Act of 1953 is not applicable in respect of a suit for declaration of title and consequential reliefs.

14. In that view of the matter, the learned Tribunal acted beyond jurisdiction by sitting in judgment over a decree passed by a competent civil court declaring the right and title of the present petitioners in respect of the suit properties.

15. Accordingly, the impugned judgment and order passed by the learned Tribunal is hereby set aside. The Block Land and Land Reforms Officer, Amta, Howrah is directed to incorporate the name of the applicants in the Records of Rights in respect of the suit properties.

16. W.P.L.R.T. no. 102 of 2026 is accordingly allowed by setting aside the impugned judgment and order passed in OA 150 of 2012 (LRTT).

17. There will be no order as to costs.

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

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

(**Sabyasachi Bhattacharyya, J**.)

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Ct No.16
(SSS)