Form No. J(2)

In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

Present: The Hon'be Justice Sabyasachi Bhattacharyya
And
The Hon'ble Justice Md. Shabbar Rashidi

W.P.L.R.T. 106 of 2026

Binod Behari Barui
Vs.
The State of West Bengal and others

For the petitioner	:	Mr. Debdutta Basu Mr. Partha Sarathi Mondal Ms. S. Nandan
For the State	:	Mr. Nilanjan Bhattacharjee, SSC Ms. Jayita Dhar Dhar, JGA Mr. Nilanjan Pal Mr. Joy Ranjan Dhar
For the private respondent Nos. 5(a), (b), 6 to 8	:	Mr. Radhasyam Maity
Heard on	:	20.11.2026
Judgment on	:	20.11.2026

Sabyasachi Bhattacharyya, J.:-

1. Affidavit-of-service filed in court today be kept on record.

2. The present challenge has been preferred against a judgment whereby the learned Tribunal turned down the original application of the petitioner which, in turn, assailed the order of the Appellate Authority affirming the Revenue Officer's order refusing to correct the records of rights by incorporating the name of the petitioner.

3. Learned counsel for the petitioner argues that on the strength of a civil court's decree, the petitioner's name was recorded in the RS records of rights.

4. However, in the LR records of rights, such name was removed, upon which the application was filed before the Revenue Officer.

5. Learned counsel places reliance on a certificate issued by the Junior Land Reforms Officer, Namkhana, LR Circle, indicating that for the purpose of recording the name of the petitioner in the RS records, a judgment passed in Title Suit No.311 of 1983 was also produced and adverted to.

6. By placing reliance on the said judgment and the solenama decree (compromise decree) passed therein, learned counsel for the petitioner submits that in such suit for declaration of title filed by the present petitioner, where the predecessors-in-interest of the present private respondents were also impleaded

as defendants, a compromise was arrived at between the parties, thereby admitting the title of the petitioner, on the premise of which the suit was decreed in favour of the petitioner.

7. Even thereafter, the learned Tribunal merely relied on the fact that the petitioner claimed to be the adopted son of late Sudhir Chandra Barui, who was the original owner of the property, and proceeded to turn down the petitioner's challenge on the ground that such adoption was not proved.

8. Learned counsel submits that after the civil court's decree has attained finality, declaring the title of the petitioner, on the basis of which the RS records of rights carried the name of the petitioner, it was beyond the jurisdiction of the Revenue Authorities to go behind the decree and remove the name of the petitioner from the records of rights.

9. Learned counsel for the private respondents opposes the contention of the petitioner that the private respondents' predecessor was a party to the said suit.

10. Be that as it may, we find from the records that the decree passed in the civil suit was specifically relied on by the petitioner before the Appellate Authority and was a part of the records.

11. Yet, the learned Tribunal failed to take into consideration the effect of the same while turning down the challenge of the petitioner.

12. The question of the legal effect of the said solenama decree and the question as to whether the private respondents, being successors of some the defendants thereto, are bound by the same, were germane and, thus, required to be gone into and decided on merits by the learned Tribunal before coming to its conclusions.

13. Accordingly, WPLRT 106 of 2026 is allowed on contest, thereby setting aside the impugned judgment dated March 11, 2025 passed by the Second Bench of the West Bengal Land Reforms and Tenancy Tribunal in O.A.911 of 2015 (LRTT) and remanding the said original application to the Tribunal for a fresh adjudication on merits, upon giving adequate opportunity of hearing to both parties, upon specifically deciding the questions as to the legal effect of the decree passed in Title Suit No.311 of 1983 as well as the issue as to whether the private respondents are the successors of some of the defendants thereto and/or bound by the said decree, having stepped into the shoes of such defendants.

14. It is expected that the aforesaid adjudication shall be completed as expeditiously as possible, preferably within eight months from the date of communication of this judgment to the Tribunal.

15. The parties shall maintain status quo with regard to the subject property till the matter is finally decided afresh by the Tribunal.

16. There will be no order as to costs.

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

(Sabyasachi Bhattacharyya, J.)

I agree.

(Md. Shabbar Rashidi , J.)

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