

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 108 of 2026

Tapas Mitra
Vs.
The State of West Bengal and others

For the petitioner : Mr. Mridul Kanti Sasmal,
Mr. Safikul Mondal,
Mr. Tanmoy Chatterjee

For the State : Mr. Nilanjan Bhattacharjee,
Ms. Jayita Dhar Chakraborty,
Mr. Suman Banerjee

For the respondent
no.4 : Mr. Samirul Sardar,
Md. K. Basar Bulbul,
Mr. Shamsul A. Khan

Heard on : 30.06.2026

Judgment on : 30.06.2026

Sabyasachi Bhattacharyya, J.:-

1. Affidavit-of-service filed today be kept on record.
2. The present challenge has been preferred against the refusal to grant the petitioner's prayer for ad interim stay of operation of the Appellate

Authority's order under Section 54 of the West Bengal Land Reforms Act, 1955, which has been assailed before the Tribunal.

3. Learned counsel for the petitioner submits that the petitioner obtained an order of correction of the records of rights by incorporating his name, which was reversed by the Appellate Authority at the behest of the private respondents who, according to the petitioner, are third parties to the property.
4. It is submitted that unless stay of operation of the order of the Appellate Authority is granted, the same will take the effect and the correction already made by the B.L. & L.R.O will stand deleted. It is submitted that this will render the original application infructuous.
5. Learned counsel for the private respondent submits that it will be evident from the order of the Appellate Authority that the recording of his name was obtained by the writ petitioner by producing fake and forged documents. It is submitted that in the impugned order, the learned Tribunal has sufficiently recorded the reasons for refusing to grant stay.
6. On a perusal of the impugned order, we find that although the Tribunal has paid lip-service to the tests for grant of interim order, none of the materials relied on by either of the parties was adverted to.

7. Even otherwise, in the event the Appellate Authority's order is permitted to take effect during pendency of the original application, the latter might be rendered infructuous before being heard on merits.
8. However, we have to keep on balance the effect of an interim order, if granted, on the private respondent as well.
9. Accordingly, keeping in view the balance of convenience and inconvenience, we deem it proper to grant stay of operation of the order of the Appellate Authority subject to the petitioner maintaining status quo with regard to the subject property during pendency of the original application.
10. Accordingly, WPLRT 108 of 2026 is partially allowed, thereby setting aside the impugned order dated May 20, 2026 passed by the Third Bench of the West Bengal Land Reforms and Tenancy Tribunal in O.A. 2048 of 2025 and granting stay of operation of the order dated May 20, 2025 passed by the Appellate Authority under Section 54 of the W.B.L.R. Act & D.L.L.R.O., Hooghly in L.R. Appeal No. 99 of 2025, subject to the petitioner maintaining status quo with regard to the subject property, till disposal of O.A. 2048 of 2025.
11. It is made clear that the merits of the contentions of the parties in the original application have not been entered into by this Court and it will be open to both parties to canvass all contentions before the learned Tribunal, which will be adjudicated on their own merits.

12. The ad interim order hereby granted shall abide by the outcome of the original application.
13. There will be no order as to costs.
14. Urgent 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.)