

24.03.2026
Item No.28
Ct. No. 30
Aloke

CO 1932 of 2022

**Krishna Chandra Ghosh
Vs
Nani Gopal Ghosh & Ors.**

Mr. Siddhartha Pratim Datta
Mr. Partha Sarathi Das
Mr. Rhitam Chatterjee
... for the petitioner

Mr. Subir Banerjee
Mr. Md. Hossain
Mr. Gopal Chandra Gope
... for the respondent nos. 1, 2 and 3

1. The revisional application has been preferred against order no. 19 dated 22.03.2022, passed by the learned District Judge, Hooghly, in Civil Revision No. 03/2019 arising out of Order No. 52 dated 02.02.2019 passed by the learned Civil Judge (Junior Division), 1st Court, Hooghly at Chinsurah in connection with pre-emption Misc. Case No. 27/2012.
2. Vide the impugned order, the learned revisional Court set aside the order of the trial Court and held as follows :

“In the present Civil Revision the moot point is whether or not Section 8 of the W.B.L.R. Act has application in this case.

On perusal of the Urban Land (Ceiling and Regulation) Act, 1976, it appears that the suit property lies within the Chinsurah P.S. for which the present case will

come under the purview of the said Act. If that be the position, then Section 8 of the W.B.L.R. Act has got no application.

On perusal of the decision of the Division Bench of the Hon'ble High Court, Calcutta, enunciated in CWN 100 (901), it is clear that the provision of West Bengal Land Reforms Act have no application in respect of matters covered by Urban Land (Ceiling and Regulation) Act. The decision enunciated in 2004(2) CLJ (Cal) 273 is also in conformity with the decision of the Hon'ble Court mentioned above. A cumulative effect of the provision of Urban Land (Ceiling and Regulation) Act, 1976 and decision of the Hon'ble High Court mentioned above will be that the present preemption case filed under Section 8 of the W.B.L.R. Act shall have no application. If that be the position, then it can be said without any hesitation that the impugned order passed by the Ld. Trial Court vide Order No.52 dated 02/02/2019 deserves interference in this Civil Revision as the provision of Law has not been considered in this case correctly. Moreover, from the case record, it is apparent that the property in question lies within the jurisdiction of Chinsurah P.S. which will come under the provision of Urban Land (Ceiling

and Regulation) Act. The to come at a decision, the decision of the Hon'ble Apex Court passed in CWN 100 (901) and 2004 (2) CLJ (Cal) 273 will be a beacon light to me."

3. It is submitted by the learned counsel for the petitioner herein that the revisional Court did not consider any documents nor did the learned Court call for any documents to substantiate his findings.
4. It is further submitted that the judgments relied upon by the revisional Court is to the extent as to when the matter is within the purview of the West Bengal Land Reforms Act and when under the Urban Land (Ceiling and Regulation) Act.
5. It appears that the revisional Court has observed that when the Urban Land (Ceiling and Regulation) Act applies, Section 8 of the W.B. Land Reforms will not apply. The learned revisional Court did not rely upon any material/documents to decide as to whether the schedule property is within the municipality or the Panchayat area.
6. Considering the said facts, the impugned order is hereby set aside. The revisional application is restored to its own file and number.

7. The matter is remanded back to the revisional Court being the learned District Judge, Hooghly, who shall hear the revision afresh, and to decide the said issue, will permit the parties to file documents acquired under the RTI Act.
8. The learned District Judge is also at liberty to call for the documents from the concerned Municipality or from the BL&LRO regarding the location of the property in the pre-emption case to ascertain as to whether it falls within the jurisdiction of Municipality or the Gram Panchayat.
9. The learned District Judge, Hooghly, shall make all endeavour to dispose of the said revision, within two months from the date of communication of this order.
10. Civil Revision stands disposed of.
11. Connected application, if any, stands disposed of.
12. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Shampa Dutt (Paul), J.)