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 Sandip Kumar De

WPLRT 195 of 2026

Nilima Debnath and others
Vs.
State of West Bengal and others

For the petitioners	:	Mr. Soummyadeep Nag
For the State	:	Mr. Nilanjan Bhattacharjee, Snr. St. Counsel, Ms. Joyita Dhar Chakraborty, Mr. Swapnamoy Sarkar
For the private respondents	:	Mr. Animesh Mukherjee, Mr. Abdul Alim
Heard on	:	14.10.2026
Judgment on	:	14.10.2026

Sabyasachi Bhattacharyya, J.:-

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

2. The present challenge has been preferred against an order passed by the West Bengal Land Reforms and Tenancy Tribunal, whereby the

Tribunal, by relying on the judgment of a coordinate Bench of the Tribunal passed in a different original application bearing O.A. 3064 of 2022 (LRTT) in respect of the same vesting proceeding, came to the conclusion that the subject plots, in respect of which *patta* was granted in favour of the writ petitioners, was never vested in the State and accordingly, directed the said *patta*s to be annulled.

3. Learned counsel appearing for the petitioners submits that the order passed in O.A. 3064 of 2022 (LRTT), which was relied on by the learned Tribunal in the impugned judgment, was assailed before this Court on an earlier occasion in WPLRT 159 of 2026. The said writ petition was allowed by a coordinate Bench of this Court vide judgment dated August 28, 2026, thereby setting aside the said order of the Tribunal with the observation that the learned Tribunal acted *de hors* its jurisdiction in taking upon itself the adjudication of the application for annulment of *patta* and remanding the application of the private respondents for annulment of the *patta* granted in favour of the petitioners to the concerned Revenue Officer for a comprehensive adjudication of the matter on merits.

4. Learned counsel submits that a similar order ought to be passed in the present case as well.

5. Learned counsel appearing for the private respondents argues that it is the Revenue Officer, that is, the SDO (Sub-Divisional Officer), which is the appropriate authority for deciding such issues.

6. It is further submitted that despite service of notice, the present writ petitioners did not appear before the learned Tribunal to canvass the arguments now sought to be raised before this Court.

7. Be that as it may, the issues raised by the private respondents are not of much relevance for the present consideration. Fact remains that the impugned judgment of the learned Tribunal is premised on an order passed in O.A. 3064 of 2022 (LRTT) which was set aside by this Court in WPLRT 159 of 2026, remanding the matter to the appropriate authority, that is, the Revenue Officer.

8. Accordingly, the very premise of the impugned judgment is erroneous.

9. Hence, WPLRT 195 of 2026 is allowed on contest, thereby setting aside the impugned judgment dated July 29, 2026 passed by the Second Bench of the West Bengal Land Reforms and Tenancy Tribunal in O.A. 453/2024 (LRTT) and remanding the matter to the concerned Revenue Officer for a fresh adjudication on merits in respect of the application for annulment of *patta* filed by the private respondents against the present petitioners.

10. It is expected that the said exercise shall be concluded by the Revenue Officer at the earliest, preferably within three months from the date of communication of this order to the concerned Revenue Officer.

11. It is further clarified that it will be open to the present writ petitioners to raise the objection as to limitation in respect of the application for annulment of *patta* along with other issues. All such issues shall be decided by the learned Tribunal independently and in accordance with law.

12. There will be no order as to costs.

13. Urgent Photostat certified copies of this judgment, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)

I agree.

(Sandip Kumar De, J.)

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