

Sl.94
11.02.2026
Court No.19
BP

WPA 24521 of 2023

Baleswar Sahani and others.
-versus-
The State of West Bengal and others

Mr. Ashoke Kumar Banerjee, Sr. Advocate
Mr. Tapajit Dey
Mr. S. Das
Ms. Ishita Ghosh
Mr. S.K. Shaw
Ms. Susmita Banerjee
..for the petitioners

Mr. Supratim Dhar, Sr. Advocate
Mr. Prasanta Behari Mahata
..for the State

The petitioners have challenged the notices all dated July 20, 2023 issued by the Block Land and Land Reforms Officer, Barasat I, North 24 Parganas under Section 4C(5) of the West Bengal Land Reforms Act, 1955.

Mr. Banerjee, learned senior advocate appearing for the petitioners draws the attention of the Court to the provision laid down under Section 4C of the 1955 Act and submits that an authority empowered to take a decision under Section 4C of the 1955 Act is the Collector. He further submits that the Block Land and Land Reforms Officer being a subordinate authority cannot exercise the power of the Collector.

Mr. Dhar, learned senior advocate appearing for the State refers to a notification dated February 23, 1989

whereby the Governor of the State of West Bengal in exercise of power conferred by clause 4 of Section 2 of the West Bengal Land Reforms Act, 1955 was pleased to appoint all the District Land and Land Reforms Officer in the State of West Bengal to discharge within their respective jurisdiction, all the functions of a Collector under the said Act.

Mr. Dhar, learned senior Advocate for the State also produces a notification published in the Kolkata Gazette (Extraordinary) dated September 24, 2009 wherein in exercise of power conferred by clause 4 of Section 2 of the West Bengal Land Reforms Act, 1955 and in supersession of all earlier notifications on the subject matter the Governor was pleased to appoint with immediate effect the officers mentioned in column 2 of the table mentioned therein to discharge the functions of a Collector in respect of the conversion cases that is change of area, character or use of land under Section 4C of the Act within the jurisdiction mentioned in column 3 of the said table against each of such officers. After going through the notification dated September 24, 2009 this Court finds that in some cases the Block Land and Land Reforms Officer has been vested with the power and functions under Section 4C of the West Bengal Land Reforms Act, 1955.

This Court is, therefore, of the considered view that the District Land and Land Reforms Officer and not the Block Land & Land Reforms Officer can exercise all the

functions of the Collector under the West Bengal Land Reforms Act, 1955 in the case on hand. However, in the case on hand the notices under Section 4C of the 1955 Act has been issued by an authority other than the District Land and Land Reforms Officer.

Mr. Dhar, learned senior advocate for the State could not produce any materials to support that the authority who issued the notices dated 20th July, 2023 has been vested with the jurisdiction to exercise the functions of the Collector under the West Bengal Land Reforms Act, 1955 in the case on hand.

For such reason, the notices dated 20th July, 2023 are all liable to be set aside and quashed and are accordingly set aside.

The writ petition stands allowed.

However, this order shall not preclude the competent authority from taking steps in accordance with law.

At this stage, Mr. Banerjee, learned senior advocate for the petitioners submits that a contempt application is pending.

It is, however, made clear that this Court has only decided the issue raised in the writ petition in so far as the authority of the BL & LRO to issue the notice under Section 4C is considered and has not entered into the issues involved in the contempt application.

There shall be, however, no order as to costs.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Hiranmay Bhattacharyya, J.)