

24.02.2026
Item No.30
Court No.8.
S. De

**F.M.A. 1708 of 2025
With
I.A. No. CAN/1/2025**

**Amiya Shasmal.
Vs
State of West Bengal & Ors.**

Mr. Biswajit Basu, ...for the appellant.

Mr. Md. Galib,
Mr. Tanoy Chakraborty,
Mr. Parikshit Goswami, ...for the State.

Mr. Indranil Nandy,
Mr. Deba Prasad Samanta,
...for the respondent no.7

Dictated by Arijit Banerjee, J.

1. By consent of the parties, the appeal and the connected application are taken up together for hearing.
2. A judgment and order dated September 25, 2025, passed by a learned Judge of this Court dismissing the appellant's writ petition being WPA 7536 of 2025, is under challenge in this appeal at the instance of the writ petitioner.
3. It appears that the respondent no.7 had sold a plot of land to the respondent no.8. In respect of the same plot of land, the appellant had filed a pre-emption suit.
4. Subsequent to the sale of the property by the respondent no.7, the said respondent filed a

title suit claiming inter alia a decree of declaration that the sale is null and void on the ground of fraud. The said suit was compromised between the respondent nos. 7 and 8 herein. Solenama was filed in Court on the basis of which, a decree was passed by the Court cancelling the sale deed.

5. Prior to cancellation of the sale deed or institution of the suit, the respondent no.8 had got his name recorded in the land records as the owner of the property in question. The grievance of the writ petitioner before the learned Single Judge was that in spite of cancellation of the sale deed, the land records are not being rectified to reflect that the respondent no.7 has once again become the owner of the said property. The appellant/writ petitioner prayed for a direction on the State respondents to correct the land records.
6. The learned Judge, in effect, held that the writ petitioner had no *locus standi* to make such a prayer. Accordingly, he dismissed the writ petition.
7. We have heard learned counsel for the parties. we are in agreement with the learned Single Judge in so far as lack of *locus standi*

of the appellant is concerned. Hence, we do not interfere with the order under appeal.

8. FMA 1708 of 2025 is dismissed along with the application being I.A. No. CAN 1 of 2025.
9. However, we only clarify that the learned Court before which the appellant's pre-emption suit is pending, shall proceed in accordance with law and on the basis that the respondent no.7 herein is the owner of the property in question.
10. Urgent certified photostat copy of this order, if applied for, shall be given to the parties as expeditiously as possible on compliance with all the necessary formalities.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)