Form No. J(2)

In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

Present: The Hon'be Justice Sabyasachi Bhattacharyya
And
The Hon'ble Justice Md. Shabbar Rashidi

W.P.L.R.T. 217 of 2026
With
W.P.L.R.T. 220 of 2026

Amalendu Das
Vs.
The State of West Bengal and others

For the petitioner	:	Mr. Manish Kumar Das
For the State In item no.9	:	Mr. Nilanjan Bhattacharjee, SSC Mr. Amitabh Chatterjee Mr. Apurba Ghosh
For the State In item no.12	:	Mr. Nilanjan Bhattacharjee, SSC Mr. A. Biswas Mr. Saikat Dey
Heard on	:	17.11.2026
Judgment on	:	17.11.2026

Sabyasachi Bhattacharyya, J.:-

1. The two writ petitions, arising out of connected proceedings, are being taken up together for hearing.

2. The petitioner in both the matters alleges that on the strength of an exchange deed, the petitioner became the owner of the subject plot of land.

3. Subsequently, challenging the mutation of the petitioner's name on the strength of such exchange deed as well as the mutation of the transferee of the petitioner on the strength of the self-same exchange transaction, two appeals were preferred by third parties to the said deeds.

4. Both the appeals were allowed, thereby setting aside the mutations of the petitioner and the petitioner's transferee.

5. Challenging those, two original applications were filed before the Tribunal, which are still pending.

6. During pendency of the proceedings before the Tribunal, notices of fresh mutation cases initiated by the successful parties in the appeals were served upon the petitioner, prompting the petitioner to file two stay applications in connection with the two original applications.

7. By the impugned orders, the learned Tribunal has, by cryptic orders, dismissed the said stay applications on the ground that the petitioner failed to make out any *prima facie* case.

8. Despite service, none appears on behalf of the private respondents at the time of call, although the State is represented through learned Senior Standing Counsel.

9. We take on record the affidavits-of-service.

10. Upon hearing learned counsel, it transpires that the impugned order is absolutely cryptic.

11. The learned Tribunal merely recorded one-liners, holding that upon perusal of the materials-on-record and the impugned order, it was found that the petitioner had failed to make out any case.

12. However, the materials-on-record on the strength of which such conclusion was arrived at and/or the pleadings of the petitioner, either in the stay applications or the original applications, were not adverted to at all while holding so.

13. Thus, we find the impugned orders to be utterly devoid of cogent reasons and vitiated by non-application of judicial mind.

14. Thus, the said orders cannot be sustained.

15. Accordingly, WPLRT 217 of 2026 and WPLRT 220 of 2026 are allowed on contest, thereby setting aside the orders dated September 16, 2026 passed by the Second Bench of the West Bengal Land Reforms and Tenancy Tribunal in M.A.1291 of 2026, in connection with O.A. 2092 of 2025 (LRTT) and in M.A. 1290 of 2026, in connection with O.A. 2091 of 2025 (LRTT) respectively, and remanding the said stay applications to the Tribunal for a fresh hearing on merits, upon adverting to the pleadings of the petitioner therein as well as the materials-on-

record and granting adequate opportunity of hearing to all parties.

16. Upon such reconsideration, which we expect to be concluded within two months from the date of communication of this order to the Tribunal, the learned Tribunal shall pass reasoned orders disposing of the stay applications afresh.

17. We make it clear that the merits of the respective contentions of the parties in the stay applications or the original applications have not been adjudicated upon by this court and it will be open to the Tribunal to come to its own findings in that regard.

18. In order to comply with the above direction, the Tribunal shall shift back the next dates fixed in the matters earlier.

19. There will be no order as to costs.

20. Urgent photostat certified copies of this judgment, if applied for, be given to the parties upon compliance of all requisite formalities.

(Sabyasachi Bhattacharyya, J.)

I agree.

(Md. Shabbar Rashidi , J.)

AD-9,12