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. 231 of 2026

Kangal Molla
Vs.
The State of West Bengal and others

For the petitioner	:	Mr. D.K. Adhikari Mr. Debdip Adhikari
For the State	:	Mr. Tapas Sil Ms. Moumita Dhar
Heard on	:	19.11.2026
Judgment on	:	19.11.2026

Sabyasachi Bhattacharyya, J.:-

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

2. The impugned order of the learned Tribunal dated April 11, 2025 has been challenged primarily on two grounds.

3. First, it is submitted that three of the respondents before the Tribunal, namely Motijaan Bibi (wife of Jnada Molla), Jamat Molla and Labujan Bibi, respectively the respondent nos. 4, 5 and 7 before the Tribunal, were already deceased at the time when the said order was passed, thus rendering the order a nullity.

4. Secondly, it is submitted that although the present petitioner, one of the respondents before the Tribunal, had engaged a learned Advocate, the said learned Advocate could not appear on the relevant date, due to which the version of the present petitioner could not be put forth before the Tribunal.

5. It is submitted that the very premise on which the learned Tribunal set aside the impugned notice of the BL & LRO was that two suits were pending in respect of the self-same disputes.

6. However, it is contended that there was no suit pending at all on the relevant date.

7. Upon hearing learned counsel for the parties, we find that the learned Tribunal ought to take into consideration the said questions and to re-hear the matter on merits.

8. Accordingly, WPLRT 231 of 2026 is allowed on contest, thereby setting aside the impugned order dated April 11, 2025 passed in

O.A.442 of 2024 (LRTT) by the Third Bench of the West Bengal Land Reforms and Tenancy Tribunal and directing the learned Tribunal to hear the matter afresh, upon giving opportunity of hearing to both parties, specifically adverting to the question as to whether some of the respondents in the original application were deceased on the date of passing of the said order.

9. If so, the learned Tribunal shall grant an opportunity to the private respondents (applicants before the Tribunal) to take out appropriate application for substitution and/or impleadment of the heirs and legal representatives of the deceased respondents before the Tribunal.

10. Upon doing so, the learned Tribunal shall also take into consideration, upon considering the material evidence adduced/to be adduced by the parties, as to whether there is any suit pending between the parties regarding the subject-matter in dispute before the Tribunal.

11. If the answer to the said question is in the negative, the learned Tribunal shall proceed to adjudicate the validity and legality of the impugned notice on merits.

12. It is expected that the entire exercise shall be concluded at an early date, preferably within eight months from the date of communication of this order to the Tribunal.

13. In view of the above judgment, M.A 785 of 2025 and 786 of 2025, substantially for review of the self-same order of the Tribunal, are hereby deemed to stand disposed of.

14. There will be no order as to costs.

15. 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.)

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