

Form No.J(2)

IN THE HIGH COURT AT CALCUTTA

Civil Appellate Jurisdiction

Appellate Side

Present : The Hon'ble Mr. Justice Sabyasachi Bhattacharyya
&
The Hon'ble Mr. Justice Supratim Bhattacharya

WPLRT No. 206 of 2025

Sohel Ahammed
Vs.
The State of West Bengal and Ors.

For the petitioner : Mr. Mrinal Kanti Ghosh, Adv.

For the private respondents : Mr. Sukanta Das, Adv.

For the State : Mr. Lalit Mohan Mahata, Ld. AGP,
Mr. Rudranil De, Adv.

Judgment on : January 19, 2026.

Sabyasachi Bhattacharyya, J.:

1. The short backdrop of the present challenge is that the name of the father of the present petitioner was mutated in respect of the subject property in the land records.
2. Subsequently, at the behest of the private respondents herein, such records were rectified, thereby incorporating the name of the private respondents.
3. Thereafter, the present petitioner having approached the prescribed authority, the recording of the name of the private respondents was again reversed, on the premise of the transfer deed in favour of the predecessor-in-interest of the present petitioner as well as the earlier recording of the name of the said predecessor. Challenging the order of the prescribed authority, whereby the name of the petitioner was restored, an appeal was preferred under Section 54 of the West Bengal Land Reforms Act, 1955 by the present private respondents.
4. Another appeal was preferred, also by the private respondents, against the mutation in the name of the present petitioner.

5. While the challenge against the mutation was turned down on merits, the appeal preferred against the restoration of the name of the petitioner was allowed.
6. Hence, the present petitioner preferred a challenge before the Tribunal against the order of the appellate authority whereby the mutation in the name of the petitioner was set aside.
7. The learned Tribunal, by the impugned judgment, set aside the impugned order of the appellate authority on the ground that contradictory orders were passed in the appeals.
8. At the same time, it is relevant to mention that a title suit is pending at the behest of the private respondents against the present petitioner with regard to the subject property.
9. Learned counsel for the petitioner argues that the orders of the appellate authority were not contradictory inasmuch as the appellate authority having confirmed on merits the mutation of the property in the name of the petitioner on the strength of a title deed, the second order of the appellate authority affirming the restoration of the name of the petitioner was justified.
10. Thus, the learned Tribunal failed to take into consideration that both the orders, mutating the property in the name of the petitioner and restoring the name of the petitioner by removing

that of the private respondents, were in consonance and harmony with each other. As such, there was no contradiction in the orders of the appellate authority.

11. Learned counsel appearing for the private respondents submits that since the title suit is pending, the title of the petitioner itself is in cloud.
12. As such, it is submitted that unless appropriate orders are passed, the outcome of the title suit would be adversely affected.
13. Upon hearing learned counsel for the petitioner, the State respondents as well as the private respondents, we are of the firm opinion that the learned Tribunal failed to take into consideration that upon the first appeal challenging the declaration of title in respect of the subject property in the name of the petitioner having been dismissed on merits, thereby affirming such title on the strength of the petitioner's title deed, it was only consequential for the Appellate Court to affirm the restoration of the name of the petitioner in the records.
14. Thus, there was no inherent contradiction in the orders of the appellate authority.

15. The learned Tribunal ought to have decided the challenge to the order passed in the appeal against the mutation in the name of the petitioner on merits first and thereafter, consequentially, to decide the outcome of the order passed in the other statutory appeal.
16. Accordingly, WPLRT No. 206 of 2025 is allowed in part, thereby setting aside the impugned judgment dated October 31, 2025 passed by the Third Bench, West Bengal Land Reforms and Tenancy Tribunal in OA No. 2310 of 2024 (LRTT) and remanding the matter to the Tribunal for a fresh adjudication of the challenge on merits. It is made clear that while doing so, the learned Tribunal shall look into the veracity and legality of the orders passed by the appellate authority in both the appeals on merits upon giving adequate opportunity of hearing to both the parties, without being influenced by any of the observations made in the order impugned before us.
17. It is further clarified that the order of injunction passed in the title suit, to the effect that the parties thereto are restrained by an order of status quo from altering the nature, character and possession of the suit property, shall not, in any manner, be

construed to be an injunction order on the Tribunal restraining it from proceeding with the adjudication.

18. It is well-settled that an order of injunction binds only the parties and not any Tribunal or forum, and, in any event, an adjudication by the Tribunal shall only affect the legal nature of the possession by the parties and not the nature, character and possession of the suit property in its corporeal sense; hence such adjudication shall not be violative of the status quo order passed by the civil court in any event.
19. Thus, the Tribunal shall be free to proceed with the re-adjudication, pursuant to our direction, of the challenge before it in accordance with law. It is expected that the said challenge shall be decided expeditiously.
20. However, we make it clear that the outcome of the adjudication by the Tribunal and the forums, the orders of which have been challenged before the Tribunal, shall be subject to the decision of the title suit between the parties.
21. Any action taken consequential to the impugned judgment of the Tribunal is hereby recalled and revoked.
22. There will be no order as to costs.

23. The parties as well as the Tribunal shall act on the server copy of this order, duly downloaded from the official website of this court.

I agree.

(Sabyasachi Bhattacharyya, J.)

(Supratim Bhattacharya, J.)

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(SSS)