

14.01.2026

Item no.DL 27
Court No. 16

Asraf, A.R.(Ct.)

In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

Case No. **WPLRT 204 of 2025**

In the matter of :
HIJLI CO-OPERATIVE DEVELOPMENT SOCIETY LTD.
.... Petitioner

VS.

THE STATE OF WEST BENGAL & ORS.
....Respondents

For the Petitioner :
Mr. Ashim Roy
Mr. Asif Hussain
Mr. Ovik Sengupta
Mr. Vijay Verma
Mr. Mithun Das
....Advocates

For the State :
Mr. Sk. Md. Galib, Sr. Govt. Advocate
Mr. Tamal Taru Panda
....Advocates

For the Private Respondent no.4 :
Mr. Mrinal Kanti Ghosh
....Advocate

1. Affidavit of service filed today be taken on record.
2. Learned counsel for the writ petitioner submits that despite an order being passed by the appellate authority in an appeal under Section 54 of the West Bengal Land Reforms Act, 1955, i.e., order dated February 8, 2024 passed in L.R.P. No.320 of 2023, due to communication gap and insufficient legal advice, a challenge was filed before the Tribunal, instead of against the said order of the appellate authority, against the alleged inaction of the respondent authorities.

3. The learned Tribunal, by the impugned order, dismissed the original application on contest in view of the same being not maintainable, since there is a provision for challenge against the order under Section 54 of the 1955 Act passed by the District Land and Land Reforms Officer, Paschim Medinipur on February 8, 2024 in the capacity of appellate authority under the said provision.
4. Learned counsel for the writ petitioner fairly submits that liberty may be given to the writ petitioner to prefer an appropriate challenge against the said order of the appellate authority.
5. Upon hearing learned counsels for the parties, this Court is of the opinion that the learned Tribunal was justified in holding that the original application of the writ petitioner, in its present form, was not maintainable. However, nothing in the impugned order precludes the writ petitioner from preferring an appropriate challenge, subject to limitation and if otherwise entitled in law, against Order No.3 dated February 8, 2024 passed by the District Land and Land Reforms Officer, Paschim Medinipur (appellate authority under Section 54 of the West Bengal Land Reforms Act, 1955) in L.R.P. No.320 of 2023.

6. With the above liberty, WPLRT 204 of 2025 is disposed of without interfering with the impugned order dated September 8, 2025 passed by the Fourth Bench, West Bengal Land Reforms and Tenancy Tribunal in O. A. no.1202 of 2024 (LRTT).
7. There shall be no order as to costs.
8. Parties shall act on the basis of server copy of this order, duly downloaded from the official website of this Court.
9. Urgent Photostat certified copies of this order, if applied for, be supplied to the parties expeditiously upon compliance of all requisite formalities.

(Sabyasachi Bhattacharyya, J.)

(Supratim Bhattacharya, J.)