

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. 208 of 2025

Tapas Bhowmik
Vs.
The State of West Bengal and Ors.

For the petitioner : Mr. Supratim Dhar, Ld. Snr. Adv.,
Mr. Santimoy Bhattacharyya,
Mr. Anirban Das,
Ms. Alokha Bhattacharyya, Advs.

For the respondent nos.
5, 6, 7(ii), (iii) & (iv) : Md. Sarwar Jahan,
Mr. Sayantan Hazra,
Ms. Shalini Sen,
Ms. Sahina Parvin,
Mr. Enrul Kayes, Advs.

For the State : Sk. Md. Galib, Ld. Snr. Govt. Adv.

Judgment on : January 19, 2026.

Sabyasachi Bhattacharyya, J.:

1. Affidavit of service filed today be kept on record.
2. The matter has a chequered history.
3. Initially, there was a proceeding initiated by the predecessor-in-interest of the private respondents under Section 4 of the West Bengal Restoration of Alienated Land Act, 1973 (hereinafter referred to as “the 1973 Act”).
4. Ultimately, an order was passed in the said proceeding, directing restoration of the subject land in favour of the private respondents’ predecessor-in-interest.
5. It is alleged by the present writ petitioner that the said order was not complied with by the said predecessor-in-interest of the private respondents, since the money payable in terms of the order was never deposited.
6. Such contention is controverted by the private respondents as well as learned counsel for the State, to the effect that there was a subsequent order passed by the appropriate authority wherein it was recorded that such amount, if unpaid by the transferor, is recoverable under Section 6 of the 1973 Act under the provisions of the Public Demands Recovery Act and did not affect the validity of the restoration order.

7. Be that as it may, there was a subsequent application at the behest of the present private respondents and the other heirs of their predecessor-in-interest for recording of their names in terms of the Section 4 order. On the basis of such application, a proceeding was initiated under the provisions of Sections 56 and 57 of the West Bengal Land Reforms Act, 1955 (“the 1955 Act”).
8. The first proceeding so initiated culminated in an order by a coordinate Bench of this Court to the effect that the order passed therein was a nullity, since one of the applicants was deceased by then.
9. Thereafter, a second original application was filed by the surviving heirs of the predecessor-in-interest of the private respondents.
10. The said subsequent original application is the genesis of the present writ petitioner.
11. By the order impugned herein, passed in the second original application, the Tribunal directed the proceeding to be concluded in terms of the subject notices in respect of Miscellaneous Case No. 707 of 2015.

12. Learned senior counsel appearing for the petitioner challenges the impugned order, *inter alia* on the ground that the private respondents have no *locus standi* to initiate such proceeding in view of the predecessor-in-interest of the private respondents having not deposited the requisite amount for getting the restoration of lands under the 1973 Act.
13. As such, it is argued that on the ground of *locus standi* alone, the original application ought to have been dismissed.
14. Learned counsel for the private respondents, while controverting such submission, places reliance on the order of the authority to the effect that the order of restoration does not suffer from any infirmity. Inasmuch as the recovery of the requisite amount is concerned, the same is recoverable by the transferees as a demand under the Public Demands Recovery Act, if otherwise permissible in law.
15. It is further submitted by the private respondents that the entire amount has since been paid by the private respondents, which is disputed by the writ petitioner.
16. Be that as it may, the limited conspectus before the learned Tribunal, while taking up OA No. 2714 of 2025 (LRTT), was

the pendency of Miscellaneous Case No. 707 of 2015 for ten long years.

17. Since a proceeding has been initiated under Sections 56 and 57 of the West Bengal Land Reforms Act, 1955, the maintainability of which proceeding has not been otherwise challenged, apart from the challenge on merits, we do not find any illegality in the impugned judgment of the Tribunal whereby the proceeding was directed to be taken to its logical culmination expeditiously.
18. Thus, there is no scope of interference with the impugned order of the Tribunal. However, it is made clear that all points, including the points of *locus standi*, maintainability as well as the merits of the miscellaneous case, bearing Miscellaneous Case No. 707 of 2015, are kept open to be argued by all concerned parties before the appropriate authority where such proceeding is pending. If such objections / arguments are raised / advanced, the said authority shall adjudicate on the same duly in accordance with law without being unduly influenced on merits in any manner by any of the observations made by us or by the learned Tribunal in the order impugned before us.

19. With the above observations, WPLRT No. 208 of 2025 is disposed of without interfering with the impugned order.
20. There will be no order as to costs.
21. 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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Ct No.16
19.01.2026
(SSS)