

Form No.J(2)

IN THE HIGH COURT AT CALCUTTA
Constitution Writ Jurisdiction
Appellate Side

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

WPLRT No. 214 of 2025

Rabindra Nath Bayen and another
-vs-
The State of West Bengal and others

For the petitioners : Mr. Mukteswar Maity,
Ms. Manika Sarkar.

For the State : Sk. Md. Galib, Sr. Govt. Adv.

Heard on : February 9, 2026.

Judgment on : February 9, 2026.

Sabyasachi Bhattacharyya, J.:

1. The present challenge has been preferred against an order dated September 24, 2025, passed by the West Bengal Land Reforms and Tenancy Tribunal, whereby the learned Tribunal directed the respondents to consider the settlement of the

remaining land of ten decimals in favour of the petitioners, in view of the fact that they are in possession of the said land.

2. Learned counsel for the petitioners submits that by a previous order dated May 7, 1997 passed by the writ court in WP No. 6493(W) of 1997, the respondents were directed to consider the petitioners' representation for settlement of the land in favour of the petitioners.
3. Thereafter, nothing being done in that regard, a further representation was given by the petitioners on June 19, 2023, annexed at page 22 of the writ petition.
4. It is contended that when the said representation was also not being considered, an original application was moved before the learned Tribunal. In connection with the same, the learned Tribunal directed the Block Land and Land Reforms Officer (BL & LRO) concerned to file a report.
5. Pursuant to such direction, a comprehensive report dated March 13, 2025 was filed, which is annexed at page 27 of the writ petition.
6. In the said report, it was disclosed by the BL & LRO that apparently the concerned plot of seventy-five decimals had vested in the State Government by operation of the West

Bengal Estate Acquisition Act, 1953 (in short “the 1953 Act”) vide B.R.Case No. 79/1, 139/1.

7. It was also mentioned in the said report that the plot was distributed through joint *patta* in different *raiya* settlement cases and recorded in the CLR ROR.
8. Learned counsel for the petitioners submits that no opportunity was given to the petitioners to controvert such report before the learned Tribunal, neither were any details of the names of the persons in whose favour such joint *pattas* were allegedly granted disclosed in the report.
9. Thus, it is submitted that the learned Tribunal erred in law in not directing the respondents authorities to consider the settlement of the entire land of seventy-five decimals, which the petitioners are still in possession of, in favour of the petitioners within the contemplation of Section 14S(3) of the West Bengal Land Reforms Act, 1955 (hereinafter referred to as “the Act of 1955”).
10. Learned Senior Government Advocate, appearing for the State, contends that in view of the vesting having already occurred by virtue of the 1953 Act, the case of the petitioners is not governed by the provisions of Section 14S(3) of the Act

of 1955, the said provision being attracted only in cases where the plots were vested under the Act of 1955 Act not in the 1953 Act.

11. In any event, it is argued that the writ petitioners all along sought *raiya*ti settlement within the contemplation of Section 49 of the Act of 1955, which is subject to the discretion of the respondent authorities and other legal formalities.
12. Learned Senior Government Advocate cites a judgment reported at (1990) 2 CHN 1 (*The State of West Bengal, through the Secretary, Land Reforms & Land Utilisation Department & Ors. Vs. Motilal Manna & Ors.*) for the proposition that the erstwhile *bargadars* cannot claim any special right of settlement of the lands possessed by them as *bargadars* and after the vesting of the said lands they may make representation to the State Government to get settlement of the said land on compassionate grounds.
13. Thus, it is argued that no legal rights of the petitioners were infringed by the impugned order and/or the action of the respondent authorities.

14. Insofar as the representation of the writ petitioners is concerned, we find that the State is justified in arguing that the same sought *raiya* settlement being granted by way of *pattas* in favour of the writ petitioners.
15. The concerned BL & LRO, in his report, categorically gave details of the B.R. cases by virtue of which the entire plot consisting of seventy-five decimals was vested under the 1953 Act.
16. We also find from paragraph no. 5 of the said report that the legal heirs of the *bargadar*, that is, Jayanti Bayen, the present petitioners, had been given joint *patta* in respect of a portion of the said plot.
17. Thus, the writ petitioners acquiesced to the position that vesting had already occurred under the 1953 Act and accordingly received *patta* in respect of a portion of the said land.
18. That apart, in view of the report of the BL & LRO, filed before the learned Tribunal, having clearly disclosed the particulars of the B.R. cases by dint of which the vesting

occurred, no further opportunity need to have been granted to the present writ petitioners to controvert the said report, particularly since the petitioners did not suffer any particular prejudice for non-grant of such opportunity.

19. No post-vesting and/or post-settlement right of hearing is given to the *bargadars* under the contemplation of either 1953 Act or the Act of 1955.

20. Learned Senior Government Advocate is also justified in submitting that since the petitioners themselves sought *raiya*ti settlement within the purview of Section 49 of the Act of 1955, it comes within the discretion of the State whether or not to grant such settlement. The case of the petitioners is not covered by the provisions of Section 14S(3) of the Act of 1955, since the vesting occurred under the 1953 Act not under the Act of 1955.

21. In such view of the matter, this Court does not find any illegality in the direction passed by the Tribunal in the impugned order to the effect that the petitioners' prayer for settlement of the remaining land of ten decimals, on the

ground that they are in possession, is to be considered by the respondent authorities.

22. Accordingly, WPLRT No. 214 of 2025 is dismissed on contest, thereby affirming the impugned order dated September 24, 2025 passed by the Third Bench, West Bengal Land Reforms and Tenancy Tribunal in OA No. 3234 of 2023.

23. It is expected that the respondent authorities shall take expeditious steps in terms of the direction of the learned Tribunal.

24. There will be no order as to costs.

25. Urgent photostat certified copy of the order, if applied for, be supplied to the parties at an early date.

(Sabyasachi Bhattacharyya, J.)

I agree.

(Supratim Bhattacharya, J.)