

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

W.P.L.R.T. 224 of 2025

Munna Sk.
Vs.
The State of West Bengal and Ors.

For the petitioner	:	Mr. Harun All Rashid, Md. Mojnu Sk. Mr. Azizul Islam, Adv.
For the respondent no. 5	:	Ms. Manali Biswas, Mr. Mrinal Saha, Adv.
For the State respondents	:	Sk. Md. Galib, Ld. Snr. Govt. Adv. Mr. Tamal Taru Panda, Adv.
Heard on	:	February 9, 2026.
Judgment on	:	February 9, 2026.

Sabyasachi Bhattacharyya, J.:

1. Affidavit of service filed today be kept on record.

2. The present writ petition arises out of a judgment passed by the Tribunal, setting aside the finding of two authorities granting mutation in respect of the present writ petitioner.
3. The backdrop of the case is that the writ petitioner purchased the subject property by a registered deed of transfer. Subsequently, the writ petitioner applied for mutation, which was granted by the first two authorities. However, the private respondent objected to such mutation on the ground that the grand predecessor-in-interest of the writ petitioner, one Jamiruddin Sk., was a *patta* holder in respect of the subject property and, as per law, was not entitled to transfer such land, since within the contemplation of Section 49 of the 1955 Act, such land, though heritable, cannot be transferred.
4. Learned counsel for the petitioner argues that the purported grant of *patta* in favour of Jamiruddin Sk. was unlawful, since the necessary legal criteria required to be adhered to for grant of such *patta* were not complied with.
5. Learned counsel for the State as well as the private respondent opposes such contention.
6. Upon careful consideration of the materials on record and the arguments of the parties, this Court finds that the grant of

patta to the original *patta* holder Jamiruddin Sk. cannot be challenged within the limited scope of the present writ petition, since it arises out of the mutation of the subject property in the name of the present writ petitioner. The scope of consideration in a proceeding for mutation is completely different from that in an independent challenge to a *patta*.

7. In the present case, the Tribunal was merely required to consider as to whether, as per the prevalent state of affairs, the petitioner was entitled to have his name mutated.
8. The learned Tribunal proceeded on the premise of the *patta* granted in favour of the original owner, Jamiruddin Sk. and came to the finding that the interest derived through the same was not transferable, which, according to the Tribunal, vitiated the subsequent transfers, lastly to the present writ petitioner. As such, in the absence of any valid challenge to the *patta* granted to Jamiruddin Sk., we are unable to find any legal or factual flaw in the impugned judgment of the Tribunal.
9. Hence, there is no scope of interference with the impugned judgment.
10. Accordingly, WPLRT 224 of 2025 is dismissed on contest, thereby affirming the judgment dated September 16, 2025

passed by the Fourth Bench of the West Bengal Land Reforms and Tenancy Tribunal in OA No. 2334 of 2018 (LRTT).

11. We make it clear that we have not entered into the question of validity of the grant of *patta* to the original vendor.
12. There will be no order as to costs.
13. The parties and 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
09.02.2026
(SSS)