

Form No. J(2)

In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

Present: The Hon'ble Justice Sabyasachi Bhattacharyya
And
The Hon'ble Justice Supratim Bhattacharya

W.P.L.R.T. 226 of 2025

Muktakeshi Devi Trust
Vs.
The State of West Bengal and others

For the petitioner	:	Mr. Bhaskar Ghosh Ms. Riddhi Ghosh Ms. Pritikana Adhikary
For the State	:	Mr. Sk. Md. Galib, Sr. Govt. Adv. Ms. Ashmita Chakraborty
For the Private Respondent	:	Mr. Pradip Kumar Kundu
Heard on	:	09.02.2026
Judgment on	:	09.02.2026

Sabyasachi Bhattacharyya, J.:-

1. The present challenge has been preferred against an *ad interim* order of status quo granted by the learned Tribunal in an original application, bearing O.A. No. 2904 of 2025 (LRTT), filed

by the private respondent against an order of the Thika Controller, whereby the Thika Controller had observed that the subject property does not come under the purview of the West Bengal Thika Tenancy (Acquisition and Regulation) Act, 2001 and is not a thika property.

2. Learned counsel for the petitioner submits that despite the writ petitioner having filed an affidavit-in-opposition to the original application, which was already on record, the pleadings made therein were not even adverted to by the Tribunal while passing the impugned order.
3. Moreover, the learned Tribunal did not touch upon any of the germane issues involved and, without any rhyme or reason, in the teeth of the categorical finding by the Thika Controller to the effect that the property is not a thika property, went on to observe that the applicant before the Tribunal (present private respondent) is holding the property as a thika tenant for a long time.
4. Learned counsel for the private respondent submits that the premise on which the Additional Thika Controller, acting as the Thika Controller, had passed the impugned order was a lease deed dated July 24, 1951.

5. However, the previous position was that originally a tenancy had been granted in respect of a vacant property before the lease deed of 1951 was executed, whereupon a structure had been constructed, thus bringing the property within the purview of a thika tenancy much prior to the execution of the lease deed of July 24, 1951.
6. Be that as it may, upon hearing learned counsel for the respective parties, we find that not a single whisper has been recorded in the impugned order as to the reasons which prompted the Tribunal to grant status quo.
7. Despite the affidavit-in-opposition of the present writ petitioner, the respondent before the Tribunal, being already on record, as found from the impugned order itself, not a single averment thereof was even touched upon by the learned Tribunal while passing the impugned order.
8. In a cursory manner, without dealing with or advertng to any of the issues involved and/or the materials or pleadings of the parties before the Tribunal, the learned Tribunal went on to pass an order of status quo on the finding that the applicant in the O.A. is holding the property as a thika tenant for a long time, without referring to any foundational fact for coming to such finding.

- 9.** Thus, the impugned order, being devoid of reasons, cannot be sustained.
- 10.** Accordingly, WPLRT 226 of 2025 is allowed on contest, thereby setting aside the impugned order dated November 24, 2025 passed by the Second Bench, West Bengal Land Reforms and Tenancy Tribunal in O.A. No. 2904 of 2025 (LRTT).
- 11.** The concerned Bench of the Tribunal, it is expected, shall decide the O.A. as expeditiously as possible, positively within ten weeks from the date of communication of this order to the learned Tribunal, by shifting back the next date already fixed by the Tribunal.
- 12.** The private respondent herein, being the applicant before the Tribunal, shall file his affidavit-in-reply to the Original Application within a fortnight from date before the Tribunal.
- 13.** For the purpose of compliance of the above direction, the office of the Thika Controller shall ensure that the case records are sent at the earliest to the Registrar of the Tribunal, preferably within three weeks from the date of communication of this order to the Controller.
- 14.** For the above purpose, all parties, including the Thika Controller and the Tribunal, shall act on server copies of this

order, without insisting upon prior production of a certified copy thereof.

- 15.** It is made clear that this court has not entered into the merits of the respective contentions of the parties in the Original Application and it will be open to the learned Tribunal to decide the same independently and in accordance with law, upon giving adequate opportunity of hearing to both sides, without being influenced in any manner by any of the observations made above.
- 16.** There will be no order as to costs.
- 17.** Urgent photostat copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Sabyasachi Bhattacharyya, J.)

I agree.

(Supratim Bhattacharya, J.)

AD-09

AK