

N.22Sl
151/CL

WPA 21469 of 2025

12.09.2025
SL-07
Ct.19
(S.R.)

Sri Uttam Kumar Jana & Ors.
-vs-
The State of West Bengal & Ors.

Mr. Balailal Sahoo, Sr. Adv.
Mr. Supratim Dhar, Sr. Adv.
Mr. Amit Bikram Mahata ... for the petitioners.

Mr. Amal Sen, Ld. AAG
Mr. Shibasish Banerjee ... for the State.

1. Affidavit of service as filed today on behalf of the writ petitioners is taken on record.
2. By filing the instant writ petition, the writ petitioners have prayed for issuance of appropriate writ/writs against the respondent authorities, more specifically, against the respondent nos.2 and 3/authorities commanding them to cancel and/or withdraw and/or set aside the memo dated 14.08.2025, as issued by the respondent no.2/authority, whereby and whereunder the said respondent no.2/authority pursuant to his order dated 11.02.2025 caused correction of record of rights in respect of LR Plot Nos.655 and 657 in favour of the Collector and made an attempt to take possession of the aforementioned two plots as per the provisions of Section 52(b) of the West Bengal Land Reforms Act, 1955 (hereinafter referred to as

the 'said Act of 1955', in short).

3. At the time of hearing, Mr. Sen, learned AAG appearing on behalf of the respondent/State and its instrumentalities raises the preliminary point of maintainability of the instant writ petition.
4. In course of his submission, Mr. Sen draws attention of this Court to page nos.169 to 175 of the instant writ petition, being copies of different orders, as passed by the respondent no.2/authority in a proceeding under Section 51A(4) of the said Act of 1955. Attention of this Court is also drawn to the order dated 11.02.2025, as passed by the respondent no.2/authority. It is submitted by Mr. Sen that from the said order dated 11.02.2025, it would reveal that the respondent no.2/authority in exercise of his power under Section 51A(4) of the said Act of 1955 directed the jurisdictional BL&LRO to forthwith revise and correct the record of right by cancelling the impugned Khatian before him with a further direction to restore the whole Plot No.655 in Khatian No.1 in the name of Collector, Purba Medinipur.
5. Placing his reliance upon a notice dated 03.09.1999, as passed by the High Court Administration, it is submitted by Mr. Sen that by virtue of the said notification an administrative order was passed upon the mandamus department

of this High Court not to accept any application under the said Act of 1955.

6. At this juncture, Mr. Sen took me to the different provisions of the West Bengal Land Reforms and Tenancy Tribunal Act, 1997 (hereinafter referred to as the said 'Act of 1997', in short).
7. Mr. Sen argued that Section 2(r) of the said Act of 1997 clearly specifies that the said Act of 1955 comes under the purview of 'specified Act'. It is further submitted by Mr. Sen that Section 6(a) of the said Act of 1997 clearly mandates that any order made by an authority under a specified Act shall come within the ambit of jurisdiction, power and authority of the West Bengal Land Reforms and Tenancy Tribunal.
8. It is, thus, submitted by Mr. Sen that since the respondent nos.2 is an authority under the specified Act within the meaning of Section 2(r) of the said Act of 1997, this Court has got no jurisdiction to entertain any application even a writ petition wherein an order of an authority of a specified Act is under challenge. It is, thus, argued by Mr. Sen that the instant writ petition may be dismissed *in limini* on the ground of lack of territorial jurisdiction.
9. It is further argued by Mr. Sen that on perusal of Section 51A(5) of the said Act of 1955, it would

reveal that an order passed under Section 51A(4) is appealable in nature and, therefore, the writ petitioners have an alternative forum to ventilate their grievances.

10. It is further submitted by Mr. Sen that on account of availability of such alternative remedy, the instant writ petition ought not to be entertained.
11. Per contra, Mr. Dhar, learned senior advocate in course of his argument also places his reliance upon the order dated 11.02.2025, as passed by the respondent no.2/authority, on the basis of which the impugned memo dated 14.08.2025 was issued. It is submitted by Mr. Dhar that his clients, being the writ petitioners, are practically denied with the principle of natural justice in connection with the said proceeding under Section 51A(4) of the said Act of 1955.
12. It is further argued by Mr. Dhar that from the materials, as placed before this Court, it would reveal that the order dated 11.02.2025 was passed without any jurisdiction and such order touches constitutional right to property of the writ petitioners, as envisaged under Article 300A of the Constitution of India and for violation of which, the writ petitioners have every right to approach this Court for exercising high prerogative writ jurisdiction of this Court.

13. In course of his submission, Mr. Dhar took me to page nos.28 to 30 and 38 of the instant writ petition, being copies of the order of settlement in respect of the RS Plot Nos.499, which is corresponding to LR Plot No.655 to the extent of 16 decimals, which was settled in favour of one Shrimatya Manashi Jana, being the writ petitioner no.3 herein, who is the mother of the writ petitioner nos.1 and 2 and on the basis of such order of settlement, letter of possession was also issued in the name of the writ petitioner no.3.
14. It is submitted that from the copies of LRROR, as has been annexed with the instant writ petition at page nos.41 and 42, it would reveal that even at the time of preparation of LRROR, the name of the original allottee (by way of settlement) was recorded in the LRROR).
15. At this juncture, Mr. Dhar again took me to page nos.55 to 57 of the instant writ petition, being a copy of the order dated 21.06.2016, as passed by the respondent no.2/authority in a proceeding under Section 54 of the said Act of 1955. It is submitted by Mr. Dhar that on an earlier occasion a similar attempt was made by the respondent authorities to disown the right, title and interest of the writ petitioners by way of making necessary changes in the record of right as per the provisions

of Section 50(5) of the said Act of 1955, which was, however, disallowed by the self-same respondent no.2/authority in an appeal basically on the ground of violation of the principles of *res judicata* and exercise of legal jurisdiction, which is not vested with the BL&LRO.

16. It is further argued before this Court that in respect of the LR Plot No.655, the writ petitioner no.3 has executed two deeds of gift in favour of the writ petitioner nos.1 and 2, being her sons and after execution of the said two deeds of gift, the names of the writ petitioners have been recorded in the relevant LRROR in connection with LR Plot No.655, the copies of which have also been annexed with the instant writ petition.
17. It is further submitted that since the writ petitioners are in settled position in respect of Plot No.657 for a considerable length of time and since the writ petitioners have made a prayer before the respondent authorities for grant of long term settlement, such prayer was also turned down by a common order dated 14.01.2025 without giving any opportunity of hearing to the writ petitioners.
18. Considering the chronology of events, as mentioned in the forgoing paragraph, this Court, *prima facie*, finds sufficient merits to come to a finding that the alleged action of the respondent no.2/authority

while passing the order dated 11.02.2025 and the issuance of subsequent memo dated 14.08.2025 tantamount to infringement of the constitutional right of the writ petitioners, as envisaged under Section 300A of the Constitution of India.

19. Accordingly, this Court holds that the instant writ petition is maintainable before this Court.
20. Considering the *prima facie* case made out by the writ petitioners and also considering the fact that so far the balance of convenience and inconvenience is concerned, the balance of convenience leans in favour of the writ petitioners and keeping in mind that in the event no interim protection order is passed, the writ petitioners would suffer irreparable loss and injury, let there be a stay of the operation of the order 11.02.2025 as passed in connection with Misc. Case No. LT-01-2025 by the respondent no. 2/authority as well as the memo dated 14.08.2025 as issued by the respondent no. 2/authority addressed to the respondent no. 3/authority till the last day of January, 2026 or till further order whichever is earlier.
21. It appears to this Court that the instant writ petition is required to be heard upon exchange of affidavits.
22. Accordingly, liberty is given to the respondents/authorities to file their affidavit-in-

opposition within two weeks after reopening of the Court after the long vacation of the year 2025. The affidavit-in-reply, if therebe any, is to be filed also within two weeks thereafter.

23. Let the matter be listed on December 4, 2025 under the heading “**Adjourned Motion**”.

(Partha Sarathi Sen, J.)