

09.7.2025
Sl. No.22
Court No.4
Ali & AK

**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE**

WPA 1267 of 2025

**M/s Bhojnarain Tea Company Limited
Vs.
State of West Bengal & Ors.**

Mr. Subham Ghosh,
Mr. Mayank Roy

.... for the Petitioner.

Mr. Joyjit Choudhury, Ld. AAG,
Mr. Sumit Kumar,
Ms. Rima Sarkar

...for the State.

1. Affidavit-of-service filed by the learned advocate on behalf of the petitioners be taken on record.
2. The petitioner assails notices dated April 16, 2025 issued by the Assistant Director of Land Reforms and Block Land and Land Reforms Officer, Phansidewa and dated April 24, 2025 issued by the Additional District Magistrate & District Land & Land Reforms Officer, Darjeeling thereby seeking 'NOC' (No Objection Certificate) from the petitioner for resumption of the petitioner's land "in favour of Collectors Khatian".
3. Mr. Subham Ghosh, learned advocate appearing for the petitioner has invited the attention of this Court to Section 6(3) of the West Bengal Estate Acquisition Act,

1953 and the proviso thereof to submit that once a land has been settled on lease in favour of a person for the purpose of running a Tea Garden, such land can be resumed by the State only upon the State Government reviewing the circumstances after given an opportunity of hearing to the lessee and reaching a conclusion that the land is not being used by the lessee for the purpose for which it was leased. He further placed reliance on Explanation II to the proviso to Section 6(3) of the West Bengal Estates Acquisition Act, 1953 to submit that the expression "revised any order" mentioned in the proviso to sub Section 3 of Section 6 of the Act, 1953 could also be pressed into service only if the relevant lessee failed to use the land settled in favour of such lessee by the State Government for the purpose for which it was so leased.

4. In support of his such contention, he relies on a judgement of the Hon'ble Supreme Court in the case of State of West Bengal and Others Versus Ratnagiri Engineering Private Limited and Others reported at 2009(4) SCC 453.
5. Learned Additional Advocate General appearing for the State has handed up to Court a Notification dated August 1, 2023 pertaining to a "Scheme for distributing homestead Pattas among landless Tea Garden Labourers in North Bengal" and has submitted that the aforesaid notices have been issued to the petitioner upon the relevant Collector having identified

and demarcated such land within Tea Gardens as unutilized/surplus land which are not being used for the purpose for which the lease was granted.

6. He refers to the letters dated August 1, 2023 issued by the Deputy Secretary to the Government of West Bengal to the District Magistrate & Collectors of Darjeeling, Jalpaiguri, Kalimpong, Alipurduar, Coochbehar and Uttar Dinajpur Districts whereby the said District Magistrates had been requested to furnish "Tea Gardens wise resumption proposal" on the basis of their survey reports.
7. He has also relied on a letter dated August 7, 2023 issued by the District Magistrate and Collector Darjeeling to the Chairman Darjeeling Tea Association, the Chairman Terai Indian Planter's Association the Chairman Indian Tea Planters Association and the Secretary Darjeeling Indian Tea Association whereby the said District Magistrate has informed the noticees that the State authorities were planning to survey all the Tea Gardens under Darjeeling District for the purpose of achieving the object of the aforesaid scheme.
8. The learned Additional Advocate General submits that the scheme has an avowed object of providing homestead lands to landless Tea Gardens labourers by way of homestead pattas.
9. It is submitted by the learned Additional Advocate General that the notice impugned in the writ petition has been issued to the petitioner upon completion of

survey and upon it being found that the petitioner's land was unutilized/surplus.

10. Mr. Subham Ghosh, Learned advocate for the petitioner submits that none of the aforesaid letters has ever been served upon the writ petitioner.

11. Having heard the learned advocates appearing for respective parties and having considered the material on record, this Court is of the view that the aforesaid notices dated April 16, 2025 and April 24, 2025 impugned in the writ petition may not have an immediate cause of action for the petitioner inasmuch as the said notices only ask for "NOC" i.e. a "no objection" to be given by the petitioner which the petitioner would be well within its rights to either give or refuse to give.

12. The said notices do not indicate any consequence that could follow upon the petitioner refusing to give no objection as has been requested for by the said notices.

13. This Court is of the view that at the present moment the said notices do not call for any interference. Indeed in case the respondent authorities seek to resume the land leased to the petitioner they would be obliged to follow the letter and spirit of law adumbrated under Section 6(3) of the West Bengal Estate Acquisition Act, 1953. In case the petitioner is aggrieved by any action taken by the State authorities at any point of time, it will be open to the petitioner to resort to appropriate remedy in accordance with law.

14. WPA No. 1267 of 2025 stands disposed of with the aforesaid observations.

15. There shall, however, be no order as to costs.

14. Urgent certified photocopy of this order, if applied for, be supplied as expeditiously as possible.

(Om Narayan Rai, J.)