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 Sandip Kumar De

WPLRT 192 of 2026

Smt. Bhagabati Singha
Vs.
The State of West Bengal and others

| | | |
|---|---|---|
| For the petitioner | : | Mr. Avishek Prasad,<br>Ms. Shreyasi Manna |
| For the State | : | Mr. Tapas Kumar Sil |
| For the respondent nos.5, 6 & 7 | : | Mr. Samiran Giri,<br>Mr. Ambu Bindu Chakraborty |
| Heard on | : | 14.10.2026 |
| Judgment on | : | 14.10.2026 |

**Sabyasachi Bhattacharyya, J.:-**

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

2. The present challenge has been preferred against an order of the Tribunal whereby the learned Tribunal affirmed the decision of the appellate authority under Section 54 of the West Bengal Land Reforms Act, 1955 (for short "the 1955 Act"), remanding the matter to the concerned B.L. & L.R.O for a fresh consideration of the petitioner's application for mutation on merits.

3. Learned counsel for the petitioner submits that the predecessor-in-interest of the petitioner and the private respondents was the original owner of the subject property. During his lifetime, the said predecessor executed a registered partition deed, thereby distributing and allocating specific demarcated portions of his property between his heirs.

4. Subsequently, the private respondents, the daughters of the original owner, acted upon the said registered partition deed by mutating their names and selling part of their demarcated property.

5. Thereafter, a partition suit was filed by the private respondents in respect of the property which was originally allocated to the present petitioner, which suit was ultimately not pressed.

6. A second partition suit was thereafter filed in the year 2018.

7. In the meantime, the petitioner had sought and obtained mutation in her name in respect of the properties which were specifically demarcated in her name by the registered partition deed executed by their predecessor-in-interest. Challenging the same, an appeal was preferred under Section 54 of the 1955 Act.

8. The said appeal culminated in the order of remand which was affirmed by the Tribunal, prompting the petitioner to prefer the instant challenge.

9. Learned counsel for the petitioner submits that the premise of the challenge by the private respondents was that they also have shares in the subject plots and are in possession of the same.

10. Learned counsel appearing for the private respondents contends that the appellate authority as well as the Tribunal remanded the matter rightly, since the B.L. & L.R.O, while granting the impugned order of mutation in favour of the petitioner, took into consideration non-existent deeds which have nothing to do with the subject properties.

11. Moreover, it is submitted that no notice was served upon the private respondents prior to the mutation being effected in favour of the petitioner.

12. To this, learned counsel for the petitioner argues that there was no question of service of any prior notice, since the subject plots were allocated exclusively to the petitioner.

13. Be that as it may, upon hearing learned counsel for the parties and perusing the impugned judgment, we find that the premise on which the matter was remanded was that some of the deeds relied on by the first authority, that is, the B.L. & L.R.O were non-existent. Since the private respondents have also raised a question as to whether mutation was justified due to non-service of notice on the said respondent(s), the said issue can also be decided by the B.L. & L.R.O upon remand.

14. As it is undisputed that some of the deeds relied on by the B.L. & L.R.O did not exist, we do not find any illegality in the order of remand passed by the appellate authority and the Tribunal. In any event, the learned Tribunal has not conclusively decided any of the contentious issues between the parties and all contentions on merits

have been left open by the remand order to be canvassed before the B.L. & L.R.O.

15. Accordingly, WPLRT 192 of 2026 is disposed of without interfering with the impugned judgment dated May 11, 2026 passed by the Fourth Bench of the West Bengal Land Reforms and Tenancy Tribunal in O.A. 3328 of 2024 (LRTT) as well as the order of the appellate authority remanding the matter to the B.L. & L.R.O.

16. We make it clear that the merits of the respective contentions of the parties have not been entered into by this Court and/or the Tribunal or the appellate authority and all questions are kept open to be canvassed and decided before the B.L. & L.R.O.

17. We also clarify that the B.L. & L.R.O, while deciding the matter afresh, shall give adequate opportunity of hearing to all concerned, including the petitioner and the private respondents.

18. There will be no order as to costs.

19. Urgent Photostat certified copies of this judgment, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)

I agree.

(Sandip Kumar De, J.)

AD-09
TN