

(2026) 08 CAL CK 2992
In the Calcutta High Court
Case No : WP.LRT. No. 31 of 2026

Sudhir Chandra Das

APPELLANT

Vs

State of West Bengal and Others

RESPONDENT

Date of Decision : 03-08-2026

Acts Referred:

West Bengal Land Reforms Act, 1955 — Section 54
West Bengal Land Reforms and Tenancy Tribunal Act, 1997 — Section 10(2), 10(1),
10, 6, 6(b), Clause (a) of Section 6, (b), (c) of Section 6, (d), (e) of Section 6, (c) and
(d), (a) and (c) of Section 6, (b) and (d), sub-section (b) of Section 6
Limitation Act, 1963 — Section 29(2), 3, 4 to 24, Article 137
Constitution of India — Article 226
West Bengal Land Reforms and Tenancy Tribunal Rules, 1997 — Rule 3
West Bengal Estates Acquisition Act, 1953 — Section 36

Citation : (2026) 08 CAL CK 2992

Hon'ble Judges : Sabyasachi Bhattacharyya, J; Supratim Bhattacharya, J

Bench : Division Bench

Advocate : Mr. Probal Mukherjee, Sr. Adv., Mr. Pinaki Dhole, Mr. Rabindra Kr. Pathak, Ms. Srijita Noe, Mr. Nilanjan Bhattacharjee, Sr. Standing Counsel, Ms. Jayita Dhar Chakraborty, Jr. Govt. Adv., Mr. Suman Banerjee, Mr. Sounak Bhattacharya, Mr. Dilip Kumar Maiti, Mr. Anirban Saha Ray

Final Decision : Dismissed

Judgement

Sabyasachi Bhattacharyya, J.:-

1. The writ petitioner has challenged an order dated March 13, 2025 passed by the West Bengal Land Reforms and Tenancy Tribunal in OA No. 248 of 2025, directing the Block Land & Land Reforms Officer (BL & LRO), Gazole, District – Malda to take steps for compliance of the order passed by the Appellate Authority on June 10, 2008 in Appeal Case No. 58 of 2000, after hearing all necessary parties, within a period of two months from the date of communication of the order in accordance with law.

2. The backdrop of the case is that the Appellate Authority under the West

Bengal Land Reforms Act, 1955 (in short, "the 1955 Act") passed an order on June 10, 2008, directing the concerned BL & LRO to rectify the Records of Rights by incorporating the name of the present respondent no. 4. The said order not being implemented, OA No. 246 of 2025 (LRTT) was filed by the respondent no. 4 before the Tribunal, leading to the order impugned in the present writ petition.

3. The writ petitioner claims to have purchased the disputed property by a registered deed of conveyance on July 18, 2025 from the heirs and successors of late Sudhir Ranjan Saha and late Satya Ranjan Saha. After such purchase, the petitioner approached the BL & LRO, Gazole for mutating his name, which was refused by the BL & LRO, who dismissed the mutation case bearing no. MN/2025/0909/19385 on August 5, 2025 on the ground that a court case was pending. According to the writ petitioner, he learnt from his vendors, thereafter, about a contempt application having been filed by respondent no. 4 for non-implementation of the order dated June 10, 2008. Thereafter, upon obtaining leave from this court, the present writ petition has been filed by the petitioner against the order of implementation passed therein.

4. Learned senior counsel appearing for the writ petitioner argues that the application for implementation of the order dated June 10, 2008 was filed only in the year 2025, after a gap of 17 years. It is, thus, contended that the application was palpably time-barred.

5. In support of such contention, learned senior counsel relies on Section 10(2) of the West Bengal Land Reforms and Tenancy Tribunal Act, 1997 (for short, "the 1997 Act"), which stipulates that every application under sub-section (1) of Section 10 shall be made within 60 days from the date on which the impugned order was passed or such action was taken, as the case may be, or within such further time as may be allowed by the Tribunal for cause shown to its satisfaction.

6. Sub-section (1) of Section 10, it is argued, is the enabling provision contemplating a challenge by way of an appeal to any order or action passed or taken by an Authority or by the State Government under the specified Acts provided in the 1997 Act. It is argued that the expression "appeal" and "application" in sub-sections (1) and (2) of Section 10 have been used interchangeably, providing remedy to an aggrieved person to seek redressal of grievance in either form as available under any of the specified statutes. It is contended that although sub-section (1) of Section 10 enables an aggrieved person to prefer an appeal, sub-section (2) uses the language "application". The dichotomy in the text of the statute, it is contended, is explicit, which can be resolved by construing the said two expressions to be alternative in nature.

7. Learned senior counsel next contends that Section 6 of the 1997 Act provides for the jurisdiction, power and authority to be exercised by the Tribunal. Under Clause (a) thereof, any order by an Authority under a specified Act is amenable to challenge before the Tribunal, whereas under Clause (b), an application complaining of inaction or culpable negligence of an Authority under such an Act

can be preferred before the Tribunal.

8. Thus, it is contended that the provisions of Section 10 in respect of a challenge against action of the Authority should be construed also to include a challenge against inaction. Unless the word "inaction" is read into "action" of the Authority in the said provision, the very purpose of Section 10 would be frustrated, since, in such a case, it has to be construed that there cannot be any challenge to an inaction, although the Tribunal is specifically empowered to take up such challenge under Section 6(b) of the 1997 Act, thus negating the effect of Section 10. It is construed that, thus read, the limitations stipulated in Section 10(2) should also apply to an application against an inaction or culpable negligence of the Authority.

9. In support of such contention, learned counsel cites *Namit Sharma v. Union of India*, reported at (2013) 1 SCC 745, where it was observed by the Hon'ble Supreme Court that courts would be reluctant to declare a law invalid or *ultra vires* on account of unconstitutionality, which is one of the last resorts taken by the courts. Instead, the courts would preferably put into service the principle of "reading down" or "reading into" the provision to make it effective, workable and ensure the attainment of the object of the Act.

10. Following such principle, the term "inaction" should be read into Section 10 of the 1997 Act to give effect to its objective.

11. Learned senior counsel further argues that Section 29(2) of the Limitation Act, 1963 stipulates that where any special or local law prescribes for any suit, appeal or application a period of limitation different from the period prescribed by the Schedule, the provisions of Section 3 shall apply as if such period means the period prescribed by the Schedule and for the purpose of determining any period of limitation prescribed for any suit, appeal or application by any special or local law, the provisions contained in Sections 4 to 24 (inclusive) shall apply only insofar as, and to the extent to which, they are not expressly excluded by such special or local law.

12. Even if it is to be construed that the limitation prescribed under Section 10(2) of the 1997 Act is not applicable to an application challenging inaction of the Authority, Article 137 of the Limitation Act applies, which stipulates that any other application for which no period of limitation is provided elsewhere in the Schedule, the limitation period would be 3 years from when the right to apply accrues. Hence, in no event could the limitation period for the alleged inaction in the present case exceed 3 years after June 10, 2008, when the order was passed in the appeal under Section 54 of the 1955 Act.

13. It is next contended that while passing the impugned order, the Tribunal did not make any observation regarding satisfaction of service on the heirs of the respondents in the said appeal by the Appellate Authority, being the DL & LRO, Malda. Thus, in the absence of any such specific finding that all parties were served notice, including the heirs of the deceased respondent in the said

appellate proceeding, any order passed for implementation of the Appellate Authority's order would not be sustainable in the eye of law.

14. Moreover, in view of the demise of the original respondent in the appeal at the relevant juncture, the order of the Appellate Authority dated June 10, 2008 was also a nullity.

15. Since the petitioner has stepped into the shoes of his vendors by purchase, it is argued that the petitioner is also entitled to prefer the present challenge.

16. *Per contra*, learned counsel for respondent no. 4 argues that the Tribunal under the 1997 Act performs dual roles - both as a court of first instance and as an appellate forum.

17. On a harmonious reading of sub-sections (1) and (2) of Section 10 of the 1997 Act, it will be clear that the said provision evidently applies to the appellate jurisdiction of the Tribunal and not to its original jurisdiction. Therefore, an application under Section 6(b) of the 1997 Act, complaining about inaction or culpable negligence of an Authority, would come under the said provision and will not be governed by Section 10.

18. Rule 3 of the West Bengal Land Reforms and Tenancy Tribunal Rules, 1997 (for short "the 1997 Rules"), it is submitted, contemplates filing of an application under Section 6 or Section 10. Thus, the legislative intent was to segregate the applications under Sections 6 and 10 respectively into two different compartments. Hence, when the applicant approaches the Tribunal alleging inaction, it will be governed under Section 6 and not under Section 10. Thus, the question of limitation stipulated in Section 10(2) would not apply to such an application at all.

19. It is next argued that the object of the 1997 Act is to vest the Tribunal with the jurisdiction of the High Court in respect of matters governed by the 1997 Act. After the promulgation of the 1997 Act, it is argued, the jurisdiction over those matters which were previously dealt with by the High Court were transferred to the Tribunal. Learned counsel cites *Popat & Kotecha Property & Anr. v. The State of West Bengal & Ors.*, reported at (2011) 3 Cal LT 431, for such proposition.

20. In a hypothetical situation where an application was originally filed under Article 226 before the High Court and was later transferred to the Tribunal after coming into force of the 1997 Act, such application could not be objected to on the ground of limitation at the inception, being a constitutional remedy, and, thus, such challenge cannot be raised subsequently upon its transfer to the Tribunal. There cannot be two sets of limitations governing the same application.

21. It is argued that when the words in a statute are clear, plain and unambiguous, and only one meaning can be inferred, the courts are bound to give effect to the said meaning irrespective of consequences.

22. Learned counsel relies in this context on *Commissioner of Customs (Import)*,

Mumbai v. Dilip Kumar and Company and Others, reported at (2018) 9 SCC 1. It is submitted that the Legislature, in its wisdom, has omitted to include inaction and culpable negligence of an Authority in Section 10 of the 1997 Act. Thus, the court is bound to give effect to the natural and ordinary sense of the said provision, there being no ambiguity.

23. Learned counsel submits that legislative *casus omissus* cannot be supplied by judicial interpretative process. Reliance is placed on *Padma Sundara Rao (dead) and Others v. State of T.N. and Others*, reported at (2002) 3 SCC 533, in the above regard.

24. Learned counsel for respondent no. 4 contends that inaction on the part of the BL & LRO squarely falls under Section 6 (b) of the 1997 Act and it is the Tribunal where an application challenging the same has to be filed. Reliance is placed in this regard on *Atikur Hoque & Ors. v. The State of West Bengal & Ors.*, reported at (2008) 3 Cal LT 122.

25. Regarding the petitioner's argument that the order of the Appellate Authority was a nullity for non-substitution of the heirs of the respondent no. 3 in the said appeal, it is contended that the said ground is not tenable, since an application for substitution was filed before the Appellate Authority on the death of the respondent no. 3 therein, being the vendor of the present petitioner. The said application was allowed by the Appellate Authority on December 19, 2007. Thereafter, by an order dated January 22, 2008, the Appellate Authority directed notices to be served on the substituted heirs and, in the order dated June 10, 2008, recorded that both the appellant and the respondents were present. By the previous order dated May 22, 2008, the Appellate Authority also recorded the presence of the appellants and the respondents, who attended the hearing and filed *haziras*, upon which June 10, 2008 was fixed for passing order. It appears from the order dated May 22, 2008, that the learned Advocates for both the parties counter-signed the order after perusing the same. The annexures to the affidavit-in-opposition filed by respondent no. 4 are relied on in support of above submissions.

26. Thus, it is argued that the 'nullity' argument is not tenable in the eye of law.

27. Lastly, learned counsel submits that the impugned order is nothing but an order to implement the Appellate Authority's decision, which has not been set aside and has to be implemented.

28. Upon hearing learned counsel for the parties, this Court proceeds to decide the instant writ petition as follows:

(i) Limitation

29. The first germane question which arises for consideration is whether the application for implementation of the order of the Appellate Authority dated June 10, 2008 was barred by the limitation, as stipulated in sub-section (2) of Section

10 of the 1997 Act.

30. Sub-sections (1) and (2) of Section 10 of the 1997 Act are quoted hereinbelow for the purpose of reference:

*"10. **Application to Tribunal.**—(1) Subject to the provisions of section 6 and other provisions of this Act, a person aggrieved by any order passed by an Authority or any action taken either by an Authority or by the State Government may prefer an appeal to the Tribunal for the redressal of his grievance.*

(2) Every application under sub-section (1) shall be made within sixty days from the date on which such order was passed or such action was taken, as the case may be, or within such further time as may be allowed by the Tribunal for cause shown to its satisfaction, and shall be made in such form, and shall be accompanied by such fee, as may be prescribed.

... .."

31. From the above, it is evident that the limitation under sub-section (2) applies only to appeals/applications preferred under sub-section (1) of Section 10.

32. Sub-section (1), on the other hand, renders itself "subject to" the provisions of Section 6 and the other provisions of the 1997 Act.

33. Thus, if Section 6 itself provides the remedy by way of a right to file an application, Section 10(1) would not be applicable at all.

34. Section 6 of the 1997 Act, which acquires relevance in the context, is set forth below in its entirety:

"6. Jurisdiction, power and authority of Tribunal.—Subject to the

other provisions of this Act, the Tribunal shall, with effect from such date as may be appointed by the State Government by notification in this behalf, exercise jurisdiction, power and authority in relation to—

(a) any order made by an Authority under a specified Act;

(b) an application complaining inaction or culpable negligence of an Authority under a specified Act;

(c) an appeal against an order of the Mines Tribunal appointed, under Section 36 of the West Bengal Estates Acquisition Act, 1953;

(d) applications relating to matters under any provision of a specified Act or matters relating to any constitutional validity of any Act under the provisions of a specified Act;

(e) adjudication of matters, proceedings, cases and appeals which stand transferred from the High Court and other Authorities to the Tribunal in accordance with the provisions of this Act."

35. Different classes of causes of action have been subjected to the jurisdiction of the Tribunal under the above Section. It is relevant to note that while some of the clauses of Section 6, apart from stipulating jurisdiction, themselves provide the remedy as well, others merely indicate the orders over which jurisdiction is exercised by the Tribunal.

36. For example, under Clause (a) of Section 6, any order made by an Authority

under the specified Act comes under the jurisdiction, power and authority of the Tribunal, without the said clause providing any remedy by way of an application or appeal. Thus, for a challenge to be preferred against any such order as enumerated in Clause (a) of Section 6, the challenger has to take resort to Section 10(1) of the 1997 Act, which is the enabling provision for preferring an appeal, or to any appellate provision, if stipulated in the concerned specified Act itself.

37. On the other hand, Clause (b) of Section 6 itself provides the jurisdiction as well as the remedy, by stipulating that the Tribunal exercises jurisdiction in relation to "an application" complaining of "inaction or culpable negligence" of an Authority under the specified Acts.

38. Similarly, Clause (c) of Section 6 of the 1997 Act provides for "an appeal" against an order of the Mines Tribunal appointed under Section 36 of the West Bengal Estates Acquisitions Act, 1953 and Clause (d) provides for applications, relating to matters under any provision of a specified Act or matters relating to the constitutional validity of any Act under the provisions of a specified Act.

39. Clause (e) of Section 6, on the other hand, contemplates a separate paradigm altogether, being not the source provision of challenge but merely an enabling provision conferring jurisdiction on the Tribunal to adjudicate matters, proceedings, cases and appeals which had previously been filed before the High Court and other Authorities and are transferred to the Tribunal pursuant to the 1997 Act. Hence, Clause (e) is fundamentally different in character from the other Clauses of Section 6 and need not bother us in the present context.

40. Coming back to the other Clauses, specific remedies have been provided in Clauses (b), (c) and (d) of Section 6 of the 1997 Act, either by way of appeal or application, with regard to the subject-matters covered thereby, whereas no such remedy has been provided in Clause (a).

41. The necessary corollary would be that for resorting to a challenge under Clauses (b), (c) and (d), the said Clauses themselves are self-sufficient, providing jurisdiction as well as remedy, whereas for a challenge to be preferred under Clause (a) of Section 6, although the jurisdiction of the Tribunal has been enumerated in the said Clause, the remedy has been provided under the enabling provision of Section 10(1), which provides for an appeal against such an order. The word "action" of Authorities, as used in Section 10, has to be taken in the generic sense, including any positive act of any such Authority under the specified Acts which is amenable to challenge under the specified Acts themselves.

42. Viewing from such perspective, an original application complaining of inaction or culpable negligence on the part of an Authority under any specified Act is preferred directly under Section 6(b) and not under Section 10(1) of the 1997 Act, thus not being governed by the limitations stipulated in Section 10(2), which refers only to challenges under Section 10(1).

43. From another perspective, there is a fundamental difference between Clauses (a) and (c) of Section 6 on the one hand and Clauses (b) and (d) thereof on the other. Whereas the first category contemplates a challenge in the nature of an appeal against an order passed or action taken by an original forum, the second envisages original applications before the Tribunal, either ventilating grievance regarding some inaction or culpable negligence or assailing the vires of an Act.

44. The challenge under sub-section (b) of Section 6 against an inaction or a culpable negligence of an Authority in omitting to do its duty is an original application, initiated for the first time before the Tribunal, and not a challenge against any order or action of any Authority as such. As opposed to a positive order or action contemplated under Section 10(1) of the 1997 Act, an inaction or negligence operates in the negative sense, Section 6(b) providing for a recourse to the Tribunal for passing a positive direction to neutralise/negate such inaction or negligence. Thus, being in the nature of an original application, akin to the previous class of writ petitions filed for inaction of Authorities before the High Court before the promulgation of the 1997 Act, the same cannot be subjected to the rigours and limitation associated with an appeal.

45. Having held that the limitation under Section 10(2) is not attracted to an application complaining of inaction or culpable negligence under Section 6(b) of the 1997 Act, the next question which arises is whether the residuary provision of Article 137 of the Schedule to the Limitation Act, 1963 is attracted.

46. The said Article provides for a limitation of three years from the date when the right to apply accrues in respect of applications for which no period of limitation is prescribed elsewhere in the concerned Division (pertaining to applications) of the Schedule of the Limitation Act. However, it is well-settled that the said provision can only be attracted in case the accrual of the cause of action is static, bound to a particular point of time. As opposed thereto, in case of an inaction or negligence on the part of the Authority under any specified Act within the contemplation of the 1997 Act, the nature of the cause of action is fluid and continuing. If an order is passed by the Appellate Authority directing the first Authority to carry out some act, it is the bounden duty of the first Authority to do so, until and unless the Appellate order is stayed or set aside by some competent forum.

47. Such a situation should be looked at from the prism of the Authority, and not from the aggrieved party. Unlike an order or positive action of an Authority, where the onus is on the aggrieved party to prefer a challenge, in case of an inaction/negligence on the part of the Authority by non-compliance of an appellate direction or otherwise, the duty is cast on the Authority to do such act unless the statutory mandate or the order of a superior forum directing such act to be done is set aside or annulled. In such a case, there is no necessity for the party aggrieved by such inaction to set the course of justice in motion but the duty of the Authority is temporally co-extensive with the direction on it or the statutory mandate requiring to do such act.

48. Hence, the concept of limitation is not strictly applicable in case of an inaction.

49. Again, the Legislature, in its wisdom, specifically segregated *challenges* (by way of appeal/application) under Section 10(1), subjecting it to limitation under Section 10(2), and *original* applications under Clauses (b) and (d) of Section 6 of 1997 Act. Hence, under the scheme of the 1997 Act, an application under Section 6(b), complaining of inaction or culpable negligence of an Authority, is not amenable to any limitation period and is co-extensive with the inaction or culpable negligence complained of. Holding to the contrary would be thwarting the legislative intent behind the eco-system between Sections 6 and 10 of the 1997 Act.

50. Thus, returning to the case at hand, the original application seeking inaction and/or non-implementation of the order dated June 10, 2008 passed by the Appellate Authority cannot be held to be barred by limitation.

51. As to the decisions relied on by the parties, in *Atikur Hoque (supra)*¹, a learned Single Judge of this Court merely observed that the remedy against an alleged inaction of an Authority under the specified Acts is to file an application before the Tribunal. Such proposition, thus, corroborates the above finding that such an application comes within the ambit of Section 6, and not Section 10, of the 1997 Act. However, the Larger Bench judgment of this Court in *Popat (supra)*² is not directly relevant in the present context. The Larger Bench merely recognized that the object of the 1997 Act is to vest the Tribunal with the jurisdiction over those matters which were previously dealt with by the High Courts. The said observation was made in a different context, while examining whether administrative members, in order to man the Tribunal, must have experience to deal with the specified Acts.

52. In *Commissioner of Customs (Import) (supra)*³, it was held that when the words in a statute are clear, plain and unambiguous and only one meaning can be inferred, the Courts are bound to give effect to the said meaning irrespective of consequences, which lends support to the observations rendered by us above, to the effect that the scheme contemplated under Sections 6 and 10 of the 1997 Act has to be read in its statutory backdrop. Thus, the principle laid down in *Namit Sharma (supra)*⁴ is not applicable, since no "reading down" or reading into" the relevant provisions is required at all, as we do not find either Section 6 or Section 10 of the 1997 Act to be ambiguous, ineffective, unworkable or unconstitutional in the first place.

53. In *Padma Sundara Rao (dead) (supra)*⁵, the Hon'ble Supreme Court held that the Court cannot read anything into a statutory provision which is plain and unambiguous, to which legal proposition there cannot be any quarrel.

(ii) Whether the impugned order of the Tribunal is otherwise sustainable

54. Certain aspects of the matter have to be noted in this context.

55. First, the writ petitioner claims through his vendors, the heirs of the original owners, who were parties to the appeal in which the parent order dated June 10, 2008 was passed.

56. As explicit from the annexures to the affidavit-in-opposition filed by respondent no. 4, substitution was duly effected on the demise of one of the respondents therein. Thus, it cannot be said that the said order was a nullity.

57. Moreover, since the petitioner claims through his vendors, whose predecessors-in-interest were parties to the appeal, the petitioner steps into the shoes of his vendors and is, thus, bound by the said order of the Appellate Authority under Section 54 of the 1955 Act. It is nobody's case that any challenge has been preferred either to the parent appellate order of the DL & LRO dated June 10, 2008 or that any substantive and independent rights have been created in favour of third parties in the interregnum. Hence, the order of the Appellate Authority which is now sought to be implemented has attained finality and till it is implemented, the cause of action challenging such inaction on the part of the concerned BL & LRO in not implementing the order remains alive.

58. The argument of the petitioner that substantive rights might have accrued in the meantime cannot be accepted, since admittedly the petitioner has purchased from the heirs of the respondents in the appeal in which the parent order dated June 10, 2008 was passed. Tracing the chain of title, the writ petitioner claims through, and has ultimately stepped into the shoes of, the respondents in the appeal. Thus, he cannot claim an independent or better title but is bound by order of the Appellate Authority. Thus, there is no applecart of any third party to be upset if the said order is implemented now, irrespective of the time-lapse in between.

59. The arguments of the appellant on the merits of the order dated June 10, 2008 cannot be accepted at this belated stage, since the said order has attained finality in the absence of any challenge thereto.

60. Lastly, we must also take note of the fact that the learned Tribunal, in the impugned order, has not directed blind implementation of the order dated June 10, 2008 passed in Appeal Case No. 58 of 2000, but has also left open an opportunity of hearing to all necessary parties. In our opinion, such component of the order is squarely in consonance with the principles of natural justice and leaves it open for any just cause to be ventilated at the time of implementation, despite the ambit of such "cause" being very limited.

61. Hence, in view of the aforesaid findings, we are of the opinion that the impugned order of the learned Tribunal does not suffer from any illegality or jurisdictional error.

CONCLUSION

62. Accordingly, WP.LRT. No. 31 of 2026 is dismissed on contest, thereby

affirming the order dated March 13, 2025 passed by the Third Bench of the West Bengal Land Reforms and Tenancy Tribunal in OA No. 246 of 2025 (LRTT).

63. There will be no order as to costs.

64. Urgent certified copies, if applied for, be supplied to the parties upon compliance of all formalities.

I agree.

FOOTNOTES

1. *Atikur Hoque & Ors. v. The State of West Bengal & Ors.*, reported at (2008) 3 Cal LT 122
2. *Popat & Kotecha Property & Anr. v. The State of West Bengal & Ors.*, reported at (2011) 3 Cal LT 431
3. *Commissioner of Customs (Import), Mumbai v. Dilip Kumar and Company and Others*, reported at (2018) 9 SCC 1
4. *Namit Sharma v. Union of India*, reported at (2013) 1 SCC 745
5. *Padma Sundara Rao (dead) and Others v. State of T.N. and Others*, reported at (2002) 3 SCC 533