



Form No.J(2)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

Present : The Hon'ble Mr. Justice Sabyasachi Bhattacharyya
&
The Hon'ble Mr. Justice Supratim Bhattacharya

WPLRT No. 9 of 2026

Manowar Hossain
-vs-
The State of West Bengal and others

For the petitioner : Ms. Ipsita Ghosh.

For the State : Sk. Md. Galib, Sr. Govt. Adv.,
Mr. Manish Biswas.

For the respondent no.13 : Mr. Animesh Mukherjee,
Md. Abdul Alim

Heard on : February 10, 2026.

Judgment on : February 10, 2026.

Sabyasachi Bhattacharyya, J.:

1. The present challenge has been preferred by the petitioner, who claims to be a *bargadar* in respect of the subject plots of land.



2. Learned counsel for the petitioner argues that the concerned Block Land & Land Reforms Officer (BL & LRO), upon hearing the petitioner, held the petitioner to be a *bargadar*.
3. An appeal was preferred against the same by the private respondent /*raiyat*.
4. In an order dated June 24, 2019, the appellate authority observed that the respondent therein (present petitioner) had submitted a list of documents through their learned Advocate from which it transpired that the recorded *bargadar* had informed the concerned BL & LRO time to time for delivery of the share of produce to the land owners but each time the *bargadar* had failed and the landlord refused to accept the share of the produce. It was further observed that the *bargadar* had done what he had to do in respect of delivery of the share of the produce after each sowing season.
5. Subsequently, by an order dated July 10, 2019, the appeal was dismissed on the basis of the aforementioned findings.
6. The private respondent/*raiyat* (land owner), being aggrieved by the said order of the appellate authority, moved the West Bengal Land Reforms and Tenancy Tribunal which, by the impugned order, observed that the recording of the present



writ petitioner as *bargadar* in 1998 was illegal, being made without notice to the land owners.

7. The order of the appellate authority was held to be non-speaking and mechanical, lacking judicial reasoning.
8. On the above grounds, the matter was relegated by the Tribunal to the BL & LRO to hear out the same and for a fresh adjudication on merits.
9. Learned counsel for the petitioner submits that the order of the appellate authority was contained sufficient reasons and, as such, the learned Tribunal erred in law in setting aside the same.
10. On the other hand, learned counsel appearing for the private respondent/*raiyat* submits that the order of the learned Tribunal is justified, inasmuch as proper reasoning was not given by the appellate authority and since no notice of hearing was given to the private respondent/*raiyat* (land owner) before the BL & LRO came to the finding that the present petitioner is a *bargadar*.
11. On a perusal of the orders of the appellate authority, we find that although the appellate authority adverted to a list of documents filed on behalf of the writ petitioner, at the same



time, we cannot overlook the fact that the appellate authority accepted the unilateral version of the writ petitioner as the gospel truth, without adverting to the stand taken by the land-owner/*raiyat*.

12. That apart, the order of the BL & LRO has not been annexed to the present writ petition. There cannot be any reason to raise doubt about the finding of the learned Tribunal, which was the last forum of facts, to the effect that the initial order of the BL & LRO was passed without notice to the land-owner.

13. Thus, we do not find any illegality in the order of the learned Tribunal inasmuch as the initial hearing given by the BL & LRO was illusory, since the *raiyat* did not have opportunity to present his case.

14. Accordingly, there is no scope of interference with the impugned order.

15. Hence, WPLRT No. 9 of 2026 is dismissed, thereby affirming the impugned order dated September 25, 2025, passed by the Third Bench, West Bengal Land Reforms and Tenancy Tribunal, in OA No. 230 of 2022 (LRTT).



16. However, we make it abundantly clear that this Court has not entered into the merits of the case and it will be open to the BL & LRO to re-adjudicate the issues before him afresh in accordance with law, in terms of the directions of the learned Tribunal.
17. There will be no order as to costs.
18. Urgent photostat certified copies of this order, if applied for, be supplied to the parties at an early date.

I agree.

(Sabyasachi Bhattacharyya, J.)

(Supratim Bhattacharya, J.)