

**IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE**

Present:-

The Hon'ble Justice Madhuresh Prasad

And

The Hon'ble Justice Prasenjit Biswas

CPAN 820 of 2025

ABHIJIT TIE UP (P) LTD AND ORS

Vs

**VIVEK KUMAR STATE OF WB
ADDITIONAL CHIEF SECRETARY AND ORS**

In

WPLRT 64 of 2022

ABHIJIT TIE UP (P) LTD AND ORS

Vs

**VIVEK KUMAR STATE OF WB
ADDITIONAL CHIEF SECRETARY AND ORS**

For the Petitioner	: Mr. Saptangshu Basu, Sr. Adv., Mr. Rudradeb Chowdhury, Ms. Gargi Goswami, Ms. Ranjana Seal, Ms. Antara Biswas, Ms. Sucheta Mitra.
For the State	: Mr. Supratim Dhar, Sr. Adv., Mr. Suddhadev Adak.
Judgment on	: February 09 , 2026.

Madhuresh Prasad, J.:

1. Present contempt application was filed alleging contumacious non-compliance by the authorities, of the order and direction contained in

judgment dated 14.09.2023 passed by a Bench of Hon'ble Mr. Justice Harish Tandon and Hon'ble Mr. Justice Prasenjit Biswas in the writ proceeding bearing number WPLRT 64 of 2022. An SLP (Civil) Diary No. 23116 of 2024 filed against the judgment was dismissed by the Apex Court on 22.07.2024.

2. At the very outset we consider it necessary to briefly record the factual background leading to filing of the writ petition. The writ petitioners claimed to have purchased lands by virtue of a Court sale, in winding up proceedings bearing CP No. 286 of 1975, registered before ARA II Kolkata in Book No. 1, Vol. 26 being No. 06839, pages 487 to 585 for the year 2011.
3. The petitioners having undivided share over the lands made 40 separate applications dated 30.10.2014 seeking mutation of their names in the Record of Rights (RoR for short).
4. Since no action was being taken the writ petitioners made joint representation before the respondent authority on 09.11.2017, followed up by a letter dated 26.03.2019. When the mutation was kept pending for a considerably long period the writ petitioners filed 40 separate applications before the West Bengal Land Reforms and Tenancy Tribunal ("*Tribuna*" for short). The applications were numbered as OA No. 2728 to OA No. 2737 of 2019, OA Nos. 2743 to 2752 of 2019, OA Nos. 2760 to 2769 of 2019 and OA 2775 to 2784 of 2019.

5. The prayer of the petitioner applicant before the Tribunal was:

“A) To issue a mandate directing the respondent authorities to record the name of the petitioners in the record of rights with respect to the said R.S. Plot No. 730, 731, 732, 743 in Khatian No. 143 and R.S. No. 733 in Khatian No. 389 in JL No. 3, P.S-Baranagar;

B) To consider the representation dated 09.10.2019 and dispose of the same in accordance with law;

C) To mandate upon the respondents, their men and agents to certify and produce all relevant record of the case so that considerable justice may be done;

D) To issue injunction restraining the respondents and/or their men and agents from dealing with the property in any manner whatsoever;

E) To pass such other further order or orders which Their Lordship may deem fit and proper;”

6. The original applications were heard analogously and dismissed by the Tribunal by its judgment dated 10.12.2021, which was challenged by filing a writ petition. The writ petition was numbered as WPLRT No. 64 of 2022.

7. The writ petition was substantially for the same relief, wherein this Court held that the lands in question is well within the ceiling limits under Section 14M of the West Bengal Land Reforms Act 1955 (“1955 Act” for short) and, therefore, there is no occasion for seeking any permission for fresh lease.

8. The above noted prayer in the OA filed before the Tribunal was allowed by the Division Bench. The authorities were thus required to allow the mutation claimed by the writ petitioners and record the

name of the petitioners in the RoR with respect to the purchased lands.

9. In view of non-availability of Hon'ble Justice Harish Tandon the Contempt Application was assigned to be placed before this Bench by an assignment order of the Hon'ble the Chief Justice, dated 21.05.2025.

10. Vide order dated 13.06.2025 this Court directed for service of notice upon the respondents/alleged contemnors. When the matter was taken up on 18.07.2025 the learned Advocate for the alleged contemnors informed about pendency of a review application before the Apex Court in respect of the above noted order of the Apex Court dated 22.07.2024 passed in SLP (Civil) Diary No. 23116 of 2024.

11. This Court, therefore, was of the view that an affidavit be filed by the alleged contemnors giving details of the application filed for review of the order dated 22.07.2024 passed in SLP. The order dated 18.07.2025 to this effect was put to challenge by the present applicants before the Apex Court in SLP (Civil) Diary No. 63962 of 2025. Vide an order dated 24.11.2025 the Apex Court disposed of the appeal in the following terms:

"5. We are of the considered view that mere pendency of a Review Petition cannot be a ground for not proceeding with the matter unless, of course, the operative portion of the judgment/order stands stayed by any Court, which is not the case at hand.

6. As such, we request the High Court to decide the pending proceedings at the earliest, preferably within a period of three months from today.”

12. Thereafter, when the matter was taken up on 01.12.2025, it was adjourned to 09.12.2025 on a prayer made by the learned Counsel for the applicant.

13. The matter thereafter, was taken up on 09.12.2025. The learned Advocate representing the alleged contemnors informed the Court that in compliance with judgment dated 14.09.2023, 39 out of a total number of 40 mutations were allowed by the authority. Only one application was pending, that also for want of details. The authorities requested the applicant to supply the details for completing the mutation process of the sole remaining mutation. Instructions in this regard was contained in a letter dated 08.12.2025, copy of which was served on the learned Advocate for the applicant. To enable the learned Counsel for the applicant to seek instructions in this regard the matter was adjourned to 16.12.2025.

14. The application was thereafter taken up on 24.12.2025 when the Court passed the following order:

“When the matter is taken up today we are informed by learned advocate for the applicants, that pursuant to the last order dated 09.12.2025 the applicants’ advocate has furnished details for enabling mutation of the one remaining land out of 40, in terms of the order passed by the Court.

He submits that certain details are still required to be ascertained/clarified with respect to the sole remaining

mutation. The issue is being resolved between the parties for which some time is required.

We, therefore, adjourn the matter to be taken up after the ensuing Christmas holidays, i.e., on 13th January, 2026 .

The learned advocate for the applicants submits that he will be apprising the Court of the situation up to date when the matter is taken up on 13th January, 2026.”

15. On 16.01.2026, the matter was adjourned on prayer of the learned Counsel for the applicant. On 19.01.2026 when the matter was taken up we were informed that father of the learned Advocate for the contemner had passed away, and on such prayer we adjourned the matter for a week. On 28.01.2026, the learned Advocate for the alleged contemner informed the Court that the last remaining (40th) mutation had been allowed by the alleged contemnors. The learned Advocate submitted that he would be filing a compliance report in this regard. We thus adjourned the matter to be taken up on 02.02.2026 at 2 PM, when an affidavit of compliance was filed on behalf of the alleged contemner and copy served on the learned Advocate for the applicant writ petitioner. No prayer was made on behalf of the applicant for taking out any exception to the compliance report. In fact, there is no dispute that mutation in respect of the 40 pieces of land was already allowed by the competent authority, BL&LRO Barrackpore II.

16. As taken note of above, now there is no dispute that in compliance with the order passed by the co-ordinate Bench in the writ

proceedings the mutations have been allowed and the writ petitioners' names recorded in the RoR.

17. Mr. Saptangshu Basu, learned Senior Advocate representing the applicants, however, submits that the order of the writ Court has not been complied in letter and spirit. He submits that the lands were purchased in a Court sale pursuant to winding up of a company. From perusal of copy of the RoR enclosed along with the affidavit of compliance it appears that the character of the land has been shown in the RoR as “*karkhana*”. Since the land was purchased after winding up of the company and there was no operational “*karkhana*”, there is no justification/ basis for showing the character of the mutated lands as “*karkhana*”. If the authorities had looked into the Sale Deed or conducted an inspection of the lands in question they would not have shown the nature of the land as “*karkhana*”. Once the deed was executed, the same constituted a cause under Section 50(f) of the 1955 Act necessitating *suo motu* change in the nature and character of the lands in the RoR.

18. Learned Senior Advocate referred to Chapter 4 of the West Bengal Land and Land Reforms Manual containing the procedure for mutation of names in the RoR. Had the officers followed the procedure specified therein the character of the land shown in the RoR would have been modified/ corrected by the authorities themselves. By not doing so he submits that they have not ensured compliance with the writ Court order in letter and spirit and are liable for being proceeded

against and punished for contempt of Court, being violation of the judgment dated 14.09.2023 passed in the writ proceeding.

19. Mr. Supratim Dhar, learned Senior Advocate for the respondents, on the other hand, referring to the provisions contained in the 1955 Act, specifically Section 4B, 4C submits that the act provides a separate procedure for change in the character of lands in question. The character of the lands as shown in the RoR was finally published under Section 50(1) (a) of the 1955 Act, after affording an opportunity of hearing to all concerned. The nature and character of land in such final publication of RoR cannot be altered or modified, save in accordance with the procedure specified in Sections 4B, 4C and other provisions of the 1955 Act. Only if an application was made on the prescribed proforma for change of the nature and character of lands along with the requisite fee for such purpose, the same may be considered in accordance with law.

20. In the present case no one has approached the authorities for such relief. The relief sought before the Tribunal was mutation of the names of the 40 writ petitioners in the RoR; and disposal of representation submitted for expeditious disposal of such claim pending before the authorities. It is this relief which was allowed by the co-ordinate Bench in the judgment. There being no dispute regarding the fact that the names of the 40 writ petitioners have been entered in the RoR, allowing the 40 mutation applications, the

applicants cannot be permitted now to raise a totally new claim in the contempt proceedings.

21. The order was complied with in letter and spirit the scope of the present contempt proceedings cannot be enlarged for any further relief. The contempt proceedings are now liable to be dropped in view of the undisputed compliance report filed in Court.

22. We considered the submissions. We find substance in submissions advanced on behalf of the alleged contemnors. The order of the writ court allowed the relief sought in the original applications. In the original applications the applicants prayed for disposal of their representation seeking expeditious disposal of their claim for mutation and for having their names entered in the RoR, with respect to the lands in question. There is no dispute that the names of the applicant/writ petitioners have been entered in the RoRs. The mutation applications therefore have already been allowed by the authorities. The order of the writ court therefore stands complied with. There being no direction of the writ Court for the claimed change in nature and character of the lands in question, submission advanced on behalf of the applicants that the authorities should have changed the nature and character of the lands in the RoR in compliance of the writ Court order is unsustainable in the present contempt proceedings.

23. It is by now a settled law that the jurisdiction of contempt exercised by this court under Article 215 of the Constitution of India read with the Contempt of Courts Act, 1971 is to punish for contempt, in the instant case, being the alleged violation of an order dated 14.09.2023 in WPLRT 64 of 2022; for proper administration of justice and preserving the authority of the court. The court considering contempt proceeding ought not issue further directions/orders, when such directions and orders were not issued by the court in the order, violation of which is alleged in the contempt proceedings. The law is clear that an order passed in a contempt petition cannot be a supplemental order to the main order granting relief; and the court disposing of the contempt matter would not have jurisdiction to pass such orders. In this connection we consider it apposite to refer to judgments of the Apex court in the case of **V.M. Manohar Prasad vs. N. Ratnam Raju and Another** reported in **(2004) 13 SCC 610**, later relied upon in the case of **Snehasis Giri and Others vs. Subhasis Mitra** reported in **(2023) 18 SCC 529**. We therefore find no scope to entertain the plea raised by the learned Senior Advocate for the applicant, insofar as change in the nature and character of the lands in question, in the RoR, is concerned.

24. We leave the issue upon to the applicant to pursue in appropriate proceeding in accordance with law.

25. Urgent Photostat certified copy of this judgment, if applied for, be supplied to the parties, expeditiously after complying with all necessary legal formalities.

(Madhuresh Prasad, J.)

I agree.

(Prasenjit Biswas, J.)