

ITEM NO.5

COURT NO.12

SECTION XVI

**S U P R E M E C O U R T O F I N D I A**  
**RECORD OF PROCEEDINGS**

Petition(s) for Special Leave to Appeal (C) .....D.No(s).24039/2022

(Arising out of impugned final judgment and order dated 16-03-2022 in WPLRT No.29/2022 passed by the High Court at Calcutta)

THE STATE OF WEST BENGAL &amp; ORS.

Petitioner(s)

VERSUS

ALPINE DISTILLERIES PVT. LTD.

Respondent(s)

IA No.136387/2022 - CONDONATION OF DELAY IN FILING

Date : 17-10-2022 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SURYA KANT

HON'BLE MR. JUSTICE J.B. PARDIWALA

For Petitioner(s)

Ms. Mannder Singh, Sr.Adv.  
Ms. Madhumita Bhattacharjee, AOR  
Mr. Srija Choudhary, Adv.  
Mr. Sai Shashank, Adv.

For Respondent(s)

Mr. Ravindra Kumar, Sr.Adv.  
Mr. Ayan Banerjee, Adv.  
Mr. Deepak Biswas, Adv.  
Mr. Nitish Massey, AOR  
Mr. Harshit Gupta, Adv.

UPON hearing the counsel the Court made the following  
O R D E R

1. Delay condoned.
2. Heard learned Senior counsel appearing on behalf of the petitioners, as also learned Senior counsel appearing on behalf of the respondent at a considerable length and carefully perused the material placed on record.
3. The controversy in this case pertains to the alleged surplus land being beyond the ceiling limit, in the hands of the respondent - Company.
4. The petitioner - State of West Bengal issued a show cause notice to the respondent under the West Bengal Land Reforms Act, 1955 (for short, 'the Act') alleging, *inter alia*, that the

respondent - Company is in possession of 28.29 acres of land and, it appears that a part of the land was beyond the ceiling limit. The respondent filed a reply and on consideration thereof, the statutory authority under the Act passed an order declaring the land measuring 4.07 acres as surplus. It further appears that as the authorities attempted to take possession of the land declared surplus, the respondent - Company approached the High Court challenging the order of declaring the land surplus instead of filing statutory appeal before the Collector. The High Court vide impugned judgment and order dated 16.03.2022 has issued three interim directions :

- (i) The respondent - Company has been relegated to avail the remedy of appeal under the Act before the Tribunal;
- (ii) The mutation of the land declared surplus has been ordered to be restored in favour of the respondent - Company; and
- (iii) The respondent - Company has been restrained from creating third party right *qua* the alleged surplus land.

5. In our considered opinion, the directions issued by the High Court being interim/*ad hoc* in nature, no interference of this Court in the impugned order passed by the High Court at Calcutta is called for. Suffice it to observe that the Appellate Authority prescribed under the Act shall consider all the contentions, uninfluenced by the observations made by the High Court in the impugned order and shall decide the appeal on merits, as early as possible but not later than six months from the date of receipt/production of a copy of this order. If there is other remedy of appeal/revision etc., the aggrieved party shall be at liberty to avail such remedy. In case, the State finally succeeds in getting the part of the land declared surplus, it goes without saying that such land shall immediately be mutated in favour of the State.

6. With these clarifications/observations, the Special Leave Petition stands disposed of.

(SATISH KUMAR YADAV)  
DEPUTY REGISTRAR

(PREETHI T.C.)  
COURT MASTER (NSH)