

22 13.7.2021

Ct-16

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WPLRT 1 of 2021

(Via Video Conference)

Sridam Basak

Vs.

State of West Bengal & Ors.

Mr. Debdeep Sinha

...For the Petitioner

The applicant claiming himself to be in permissive possession of the land in question was aggrieved by the deletion of his name in the record of rights of the subject land by the B.L & L.R.O, Kalna.

The writ petitioner approached the Tribunal on the ground that the B.L & L.R.O, Kalna and the D.L & L.R.O, Burdwan without issuing any notice to the present petitioner decided to delete his name, which was communicated to the writ petitioner on 30.4.2009 being Memo No. 11(6)/410/2009.

It is not in dispute that the petitioner is not the owner of the land in question. The private respondent no. 5 is the owner of the land.

It transpires from the records produced before the Tribunal that the name of the applicant, as permissive occupier of the subject land, was incorporated in the finally published L.R record of rights without drawing any legal proceeding and in absence of any such procedure being adopted for incorporation of the name of the present writ petitioner in the record of rights there has been no legal sanction attached to her possession in respect of the said land as a permissive occupier or otherwise.

The record reveals that till final publication of the L.R records in respect of the land in question

the name of the writ petitioner was never recorded as permissive occupier and the applicant had also failed to offer any explanation for not complying with the earlier order passed on 18th May, 2018 directing the writ petitioner to file an affidavit indicating the procedure followed by the applicant in recording her name as permissive occupier.

On the basis of the available records, it is established that the name of the petitioner was never appearing in the record of rights and was curiously included in the record of rights, which the petitioner could not explain.

The order passed by the Tribunal dismissing the application being O.A No. 3337 of 2012 (LRTT) with costs cannot be faulted and we do not find any reason to interfere with the order passed by the Tribunal. However, with regard to the costs, we reduce the costs to Rs.5,000/- instead of Rs.50,000/- with a caution that in future the petitioner should be extremely careful in approaching the Court.

Save and except reducing the costs the other directions passed by the Tribunal shall remain unaltered.

Accordingly, the writ petition being WPLRT 1 of 2021 fails and is hereby dismissed.

Urgent photostat copy of this order, if applied for, be given to the parties upon compliance of all undertakings.

(Hiranmay Bhattacharyya,J.)

(Soumen Sen, J.)

