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2021

**In the High Court at Calcutta
Constitutional Writ Jurisdiction
(Via Video Conference)**

W.P.A. No.10400 of 2020

**Arbind Singh and another
Versus
The State of West Bengal and others**

Mr. Pinaki Ramjan Chakraborti.
...for the petitioners.

Mr. Sayantan Bose,
Ms. Anyapurba Banerjee.
...for the respondent no.2.

The petitioners' grievance is that, when the petitioners applied for mutation of a property in their names before the appropriate authorities on the strength of title deeds, an objection was raised by the Asansol-Durgapur Development Authority, being the respondent no.2 herein. Subsequently, the petitioners wrote to the respondent no.2 for issuance of 'No-Objection Certificate' (NOC). However, such request has not yet been disposed of.

Learned counsel appearing for the respondent no.2 submits that the petitioners have a remedy before the Revenue Officer, who is the authority competent to grant mutation in respect of

the petitioners' land. It is further submitted that in case of inaction of the Revenue Officer, the petitioners have an equally efficacious alternative remedy by way of a challenge before the Land Reforms and Tenancy Tribunal and, as such, there ought not to be interference under Article 226 of the Constitution of India.

Since, in this case, the respondent no.2 itself has raised an objection as regards mutation in the name of the petitioners, there cannot arise, at the present moment, any question of issuance of No-Objection Certificate by such authority. A dispute admittedly exists between the petitioners and the respondent no.2 as regards the entitlement of the petitioners to have a mutation with regard to the property-in-question. The appropriate authority to decide such dispute is not the respondent no.2 but the authority which has the power of granting/rejecting mutation, that is, the Block Land and Land Reforms Officer having jurisdiction.

As such, there cannot be any question of the respondent no.2 being directed to grant a No-Objection Certificate at this premature stage before such dispute is decided by the appropriate authority.

Accordingly, WPA 10400 of 2020 is disposed of by granting the petitioners liberty to approach the concerned Block Land and Land Reforms Officer for the purpose of redressal regarding the belated issuance of mutation certificate to the petitioners. If so approached, the Block Land and Land Reforms Officer shall dispose of the same, upon a consideration of the objections to the petitioners' request for mutation, as expeditiously as possible.

It is made clear that the merits of the respective contentions of the parties regarding entitlement of the petitioners to mutation have not been gone into by this Court and it will be open to the appropriate authority to decide on the same independently in accordance with law.

There will be no order as to costs.

Urgent website certified copies of this order, if applied for, be given to the parties upon compliance of all formalities.

(Sabyasachi Bhattacharyya, J.)