

03
23.06.2022
d.p.

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A 853 of 2022

**Gour Chandra Saha & Ors.
-versus
State of West Bengal & Ors.**

**Mr. Uttiya Ray,
Mr. Arnab Mandal.
...For the Petitioners.**

**Mr. Subhasis Bandopadhyay.
...For the Municipality.**

**Mr. Raja Saha,
Ms. Rupsha Chakraborty.
...For the State.**

A report signed by the Block Land & Land Reforms Officer, Burdwan-I dated 16th June, 2022 has been filed before this Court.

It appears therefrom that the R.S. Plot being No. 2182 under Mouza-Bardhaman was classified as Pukur and the same feature in the khatian of Uday Chand Mahatab, Maharaja of Bardhaman.

Another R.S. Plot No. 2182/4001, under Mouza-Bardhaman classified as Viti was located along with its mother plot recorded against the khatian of Narayan Chandra Bhattacharjee son of Haradhan Bhattacharjee.

During LR stage, the two R.S. plots merged and four new plots were generated. The two different plots featured in the computerized land records.

The Block Land & Land Reforms Officer was of the opinion that such recording needs to be rectified and as it is revealed that the concerned R.S. plot was already recorded as Viti (Area 0.01 acre) hence, it is evident that the new bata plot will also be classified as Viti.

It appears from the aforesaid report filed by the Block Land & Land Reforms Officer that there are actually two separate plots, one being R.S. Plot No. 2182 and the other R.S. Plot No. 2182/4001.

The petitioners are the owners of R.S. Plot No. 2182/4001 and the Maharaja of Bardhaman was the owner of the R.S. Plot No. 2182.

The two plots being different, the Municipality cannot stand in the way of mutating R.S. Plot No. 2182/4001 in favour of the rightful owner.

Accordingly, the Municipality is directed to take steps for mutating R.S. Plot No. 2182/4001 in favour of the petitioners who claim to be the owners of the plot of land at present.

Steps for mutation shall be taken at the earliest but positively within a period of eight weeks from the date of communication of a copy of this order subject to compliance of all necessary formalities and upon payment of the necessary charges.

The Municipality shall take steps in terms of the report which has been filed by the Block Land & Land Reforms Officer and has been handed over to the learned advocate representing the Municipality well in advance.

The report of the Block Land & Land Reforms Officer dated 16th June. 2022 is taken on record.

The writ petition stands disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)