

January 20, 2022
ARDR
(9)

WPA 15421 of 2021

Asraf Ali Tarafdar @ Asraf Tarafdar
Vs.
The State of West Bengal & Ors.

Mr. Kumar Jyoti Tewari,
Mr. Prantick Ghosh,
...for the petitioner.
Mr. Soumita Bandyopdhyay,
Mr. Aniruddha Sen,
...for the State.

It is submitted on behalf of the petitioner that the petitioner purchased the property in question by virtue of registered deed dated 22nd June, 1992 and his name was recorded in the L.R. record of rights. Subsequently, the petitioner received information that a new L.R. record of rights was created in respect of a portion of his property in the name of one Blue Fox Project Pvt. Ltd. (respondent no.4 herein) on the anvil of deed of sale which, according to the petitioner, is fake and forged. The petitioner did not transfer any portion of his property to any person and the said deed has been manufactured by the private respondent.

The petitioner has referred to an order dated 17th January, 2020 of the Principal Secretary and Land Reforms Commissioner, Land and Land Reforms and Refugee Relief and Rehabilitation Department, which states that in case of reports of attempts to get names recorded in the record of rights by furnishing fake or

forged deeds, such matter should be referred to the registration authority concerned. On receipt of confirmation from the authority that the deed is fake or forged, penal action should be initiated against the wrongdoer by lodging First Information Report with the concerned police station. It is further ordered that the Block Land and Land Reforms Officer shall cancel the mutation proceeding initiated on the basis of the forged document and restore the record to its original position under Section 50(1)(f) of the West Bengal Land Reforms Act, 1955. In terms of the said notification, the petitioner submitted a representation before the concerned authority on 31st August, 2021 for cancellation of the mutation proceeding initiated on the basis of the forged and fake deed. Such representation is yet to be disposed of. The petitioner prays for a direction upon the authority to consider the representation at the earliest.

It is submitted on behalf of the State respondents that the petitioner approached the Block Land and Land Reforms Officer, Barasat – II in a proceeding under Section 50 of the West Bengal Land Reforms Act, 1955 and being aggrieved by the order passed by the Block Land and Land Reforms Officer, preferred an appeal before the appellate authority under Section 54 of the Act of 1955. By an order dated 4th July, 2019, the appellate authority held that the

genuineness or nullity of the registered instrument ought to be decided by a Civil Court and the parties were granted liberty to approach the appropriate Court of Law for redressal of their grievances. Subsequently, the notification dated 17th January, 2020 was issued pursuant to which the representation was submitted by the petitioner. Learned counsel for the State, in his usual fairness, submits that the said representation be considered by the authority within a stipulated frame of time.

Upon consideration of the submissions made on behalf of the parties and material on record, the writ petition is disposed of directing the 2nd respondent to consider and dispose of the representation of the petitioner dated 31st August, 2021 within a period of two months from the date of communication of this order after giving reasonable opportunity of hearing to all the interested parties including the petitioner and the private respondent, in accordance with law.

WPA 15421 of 2021 is disposed of. However, there shall be no order as to costs.

Since no affidavit is invited, the allegations contained in the petition are deemed not to be admitted.

Urgent certified website copy of this order, if applied for, be furnished to the parties on usual undertakings.

(Suvra Ghosh, J.)