

W.P.L.R.T. 70 of 2021

Tanmoy Bar & Ors.

-vs-

State of West Bengal & Ors.

Mr. Partha Chakraborty
Ms. Sharmistha China
... for the petitioners

Mr. Anirban Ray, Ld. GP
Mr. Md. T.M. Siddiqui, AGP
Mr. N. Chatterjee
... for the State

A beleaguered writ petitioner has filed the instant writ petition challenging the order of the tribunal passed on 9th January 2017 in OA 2525 of 2015 whereby and whereunder the liberty was granted to the writ petitioner to make a fresh representation before the BL & LRO within a specified time and such representation to be decided in accordance with law.

The writ petition is filed assailing that the said order is per se illegal as the prayer was made before the authority for seeking a permission to change the character of the land or the conversion and not for mere correction of the record of rights.

According to the learned advocate for the petitioner, the BL & LRO is empowered to decide an application for correction of the record of rights if the entries made therein is

erroneous but he is not vested with the power to permit the change the character of the land or conversion of the same from one purpose to another, which is within the domain of the Collector.

There appears to be a confusion in the mind of the writ petitioner over the reliefs claimed before the competent authority. Our attention is drawn to the representation dated 5th May 2015 filed by the writ petitioner through his advocate which was annexed to the tribunal application, wherefrom it appears that the grievance was relatable to the wrong entry made in the record of rights and not for conversion from one purpose to another. Even a relief claimed before the tribunal is evidently for consideration of the representation dated 5th May 2015 for correction of the record of rights and not for conversion from one purpose to another as contemplated under Section 4C of the West Bengal Land Reforms Act, 1955.

The pleading plays an important role in an adversarial system of adjudication. A recent trend has developed at the bar when the arguments are advanced dehors the pleading and even reliefs are claimed which are conspicuously absent in the pleading. There is

neither any foundation nor averments made in the application filed before the tribunal that the said representation was made seeking conversion from one purpose to another. It is really a matter of great concern that the cases are made out at the bar, more particularly at the time of argument without any credence to the importance of the pleading and the entire arguments are advanced on a fact dehors such pleading or alien thereto.

The Court cannot decide a case in the *ipsi dixit* on the submissions made at the bar, unsupported and unsubstantiated by way of a pleading. It is sought to be contended before us that the earlier advocate was unaware of the actual relief to be claimed and advice was given to pray for the conversion but it does not appear from the record that any attempt in this regard has been made.

We, thus, find that there is no foundation laid in the pleading which may justify the argument made at the bar that the writ petitioner intended for conversion from one purpose to another; rather it is apparent and patent from the tenet of the representation that the allegation relates to wrong entry made in

the record of rights and the correction is warranted.

We, thus, do not find any infirmity in the impugned order.

The writ petition is thus dismissed.

[Harish Tandon, J.]

[Shampa Dutt (Paul), J.]