

12 08.05.2023
NB Ct. 39

WPA 49 of 2010
CAN 1 of 2022

Md. Sawkat Ali Molla @ Md. Sawkat Ali.
...for the petitioner in person.

Mr. Nilatpol Chatterjee,
Mr. Amrita Lal Chatterjee.
...for the State.

This is an application under Article 226 of the Constitution of India, inter alia, praying for direction upon the respondent to cancel and revoke the illegal recording of name of private respondents in respect of the scheduled lands.

At the very outset, as bulk of the pleadings in the petition appeared quite incomprehensible and the submissions of the petitioner appearing in person seemed rather incoherent, this Court offered to provide assistance from the Legal Aid Services to the petitioner. But, the petitioner appearing in person refused such assistance and decided to argue his case by himself.

The petitioner appearing in person submits as follows. First, no information about and certified copy of relevant records were supplied to him. Then, his grievance that his ancestral lands were wrongly recorded as vested or in others' names was not addressed. The Lands Reforms Act provided inadequate compensation.

Learned counsel appearing on behalf of the State submits as follows. This writ petition is not even maintainable. The petitioner is allegedly aggrieved with the wrong vesting of land. The appropriate forum for challenging the same would be under the West Bengal Land Reforms & Tenancy Tribunal Act. He did not do so in spite of a liberty granted by a Division Bench of this Court. The prayers made by the writ petitioner are also not maintainable.

I have heard the submissions of the petitioner appearing in person and the learned counsel for the State and have perused the writ petition.

It appears that initially it had been the grievance of the petitioner that although he had applied certified copy of various documents, those were not supplied to him. The West Bengal Land Reforms & Tenancy Tribunal, by its order dated 9th February, 2007, indicated that only certified copy of the R.S. Khatian No.182 of Mouza Bamania had been made ready as per application. The Tribunal had further recorded that by a letter dated 7th January, 2005, the father of the petitioner was requested to take delivery of the certified copy of the R.S. Khatian, but he did not do so. The petitioner submitted before the Tribunal that he had attended the office of the Block and Land Reforms Officer on several dates, but no certified copy or information was supplied. Finally, the Tribunal directed the BL & LRO concerned to supply all the thirty-three information and the certified copy of the R.S. Khatian No.182, which were made ready. The BL & LRO was also directed to supply certified copy of the other Khatians, if at all, the same were made ready.

Being dissatisfied, the petitioner moved the writ petition being WPLRT 193 of 2007. On 16.05.2007, a Division Bench of this Court was pleased to dispose of the writ application by recording that the petitioner had virtually got the relief before the Tribunal. Although the petitioner no.1 tried to impress that some land had been wrongly described as vested, the Court was of the view that such dispute could not be resolved in the said proceeding against an order passed by the Tribunal. If the petitioners were of the view that the land had been illegally vested, then they were free to initiate the proper proceedings before the appropriate forum in accordance with law.

The petitioner did not act in terms of such liberty and instead, filed another application before this Court seeking similar reliefs.

The petitioner fails to refer to relevant documents in support of his claims.

Moreover, no formal FIR or complaint has been lodged by the petitioner in respect of his allegations of tampering of land records.

This Court is of the view the reliefs sought by the petitioner could not be decided in this writ application.

If the petitioner is aggrieved with wrong vesting of land or wrong recording of names in the record of rights in respect of a proceeding under the West Bengal Land Reforms Act, then this is not the first forum to approach. As per Section 51B of the West Bengal Land Reforms Act, a specially empowered Revenue Officer can revise or correct any entry in the record of

rights. If aggrieved by an order, one can approach the Land Tribunal. A reference may be made to Sections 2(r) and 6 of the West Bengal Land Reforms and Tenancy Tribunal Act, 1997.

Accordingly, the writ petition is disposed of with liberty to the petitioner to move the appropriate forum with his grievances.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

Parties to act on a server copy of this order, duly downloaded from the official website of this Hon'ble Court.

(Jay Sengupta, J.)