

19.06.2023
Item No.30
Ct. No.5
CHC

W.P.L.R.T. 28 of 2023

**Bani Prasad Dutta
Vs.
The State of West Bengal & ors.**

Mr. Bhagbat Chaudhuri
...for the petitioner

Mr. A. K. Gayen,
Ms. A.A. Gayen
...for the respondent nos.9,12

Md. T.M. Siddiqui, Ld. A.G.P.
Mr. S. Dhar
...for the State

Mr. Masud Karim,
Ms. Payel Chakraborty
...for the respondent no.6

The writ petition is directed against the order dated November 24, 2022 passed by the West Bengal Land Reforms and Tenancy Tribunal in O.A. No.1160 of 2019.

The writ petitioner applied for mutation. That was denied right up to the Tribunal stage.

The writ petitioner applied for mutation on the strength of a title document executed by respondent no.6. Respondent no.6 was afforded certain liberties by the appellate authority in the proceeding. The title deed of the writ petitioner was looked into by the Tribunal. Tribunal found that, right to sue or the right to the benefits of the order of

the appellate authority granted to the respondent no.6 was not transferred to the writ petitioner by the title deed.

Learned Tribunal took note of the fact that independent of the title deed speaking of such right, mere right to sue cannot be transferred.

Independent of the liberty granted by the appellate authority to the respondent no.6 through whom, the writ petitioner traces the title, the writ petitioner relies upon the title deed for the purpose of mutation. In the mutation process, there are disputes relating to title with a private respondent.

Consequently, such disputes raised by the private respondent vis-à-vis the writ petitioner cannot be adjudicated upon by the mutation authority.

In such circumstances, we find no material irregularity in the impugned order warranting our interference.

W.P.L.R.T. 28 of 2023 is dismissed without any order as to costs.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)