

DL-8

19.06.2023
Court No.5
(AD)

WPLRT 72 of 2023
Swadhin Mondal
Vs.
The State of West Bengal & Ors.

Mr. Debabrata Mondal
... for the petitioner.

Mr. Lalit Mohan Mahata, Ld. AGP
Mr. Supratim Dhar
... for the State.

The writ petition is directed against the order dated February 15, 2023 passed by the West Bengal Land Reforms and Tenancy Tribunal.

By the impugned order, the learned Tribunal took note of the fact that, a private respondent, claimed title in respect of the immovable property over which mutation was sought for. It noted that, Revenue Courts are not entitled to decide title to the immovable property. It also noted that, the Revenue Officer correctly rejected the prayer. Appellate Authority also correctly rejected the prayer of mutation. Therefore, the Tribunal proceeded to reject the original application.

Learned Advocate appearing for the State submits that, in terms of the Mohameddan law governing the immovable property concerned, there is a cloud on the title of the writ petitioner.

Apparently, there are contrary claims in respect of the immovable property. Writ petitioner is claiming title on the

basis of a document, which a private respondent challenges as invalid.

The title dispute with regard to the immovable property is beyond the jurisdiction of a Revenue Court. Consequently, the Revenue Officer, the Appellate Officer and the Tribunal correctly did not accede to the request of the writ petitioner for mutation.

In such circumstances, we find no ground to interfere with the impugned order dated February 15, 2023.

WPLRT 72 of 2023 is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)

