

Dd 09 04.10.2023

WPLRT 112 of 2023

***Ansura Bibi & Ors.
Vs.
The State of West Bengal & Ors.***

*Mr. Mrinal Kanti Ghosh, Advocate
... ... For the Petitioners*

*Mr. T. M. Siddiqui, AGP
Mr. S. Dhar, Advocates
... ... For the State*

*Mr. Gazi Faruque Hossain, Advocate
... ...For the Respondent No. 5*

1. The writ petition is directed against an order dated May 17, 2023 passed by the West Bengal Land Reforms and Tenancy Tribunal in OA 3482 of 2015 (LRTT).
2. By the impugned order, the learned Tribunal found no reason to interfere with the order passed by the concerned Block Land & Land Reforms Officer (BL&LRO).
3. The writ petitioners approached the Tribunal, assailing the order dated September 8, 2015 passed by the concerned BL&LRO in Misc. Case No. 197 of 2015. The prayer before the concerned BL&LRO was to restore the Record of Rights in its original position, in respect of Plot Nos. 106 and 106/13180.
4. Learned advocate appearing for the writ petitioners submits that the writ petitioners are the owners of 85 decimals of land in respect of the two plots divided into 67 decimals for Plot No. 106 and 18 decimals for Plot No. 106/13180. Learned advocate for

the writ petitioners draws the attention of the Court to the Record of Rights and submits that, although, details of the plots show that, Plot No. 106 comprises of 5.2500 acres, in the body of such details, it is shown to be 5.3354 acres. Therefore, he contends that, there is an anomaly with the total quantum of land in respect of Plot No. 106. Similarly, in Plot No. 106/13180, the area is said to be 0.6200 acres while the details show 0.5977 acres. Therefore, he contends that, the matter should be remitted to the appropriate authority for fresh consideration on the basis of title document.

5. State and the private respondent are represented.

6. Learned advocate appearing for the private respondent submits that, the writ petitioners sold 18 decimals of land comprised in both the plots. He refers to details of plots in respect of Plot No. 106 and submits that, at least in respect of such plot, the writ petitioners gifted 9 decimals of land. He refers to the averment made by the writ petitioners that, the predecessor-in-interest of the writ petitioners by a deed of gift dated August 14, 2002 gifted 9 decimals of land in the plot No. 106 to his relative. Therefore, in Plot No. 106, the petitioners are entitled to 67 decimals of land which is recorded as shown in the Record of Rights annexed to the writ petition. He submits that, the writ petitioners also sold another 9 decimals of land in the original Plot No. 106 before its bifurcation.

7. Learned advocate appearing for the State draws the attention of the Court to the order of the concerned BL&LRO and the appellate authority in earlier rounds of litigations.

8. It appears from the records made available to us that, the predecessor-in-interest of the writ

petitioners, namely Sattar Mondal, purchased 18 decimals of land in Plot No. 106 before its bifurcation by four registered deed of conveyances. The predecessor-in-interest gifted 9 decimals of land to one of his relative. Thereafter, Plot No. 106 was divided into 'batta' Plot No. 106/13180 under a changed classification as 'Danga' while the classification of Plot No. 106 remained as 'hut'. Out of the total quantum of land, an area of 67 decimals in Plot No. 106 and 12 decimals in Plot No. 106/13180 were recorded in the name of predecessor-in-interest of the writ petitioners, namely Sattar Mondal.

9. The private respondent came to know the Record of Rights by virtue of a Mutation Case No. 1447 of 2010 and Mutation Case No. 1448 of 2010 initiated under Section 50 of the West Bengal Land Reforms Act, 1955.

10. The private respondent preferred an appeal before the District Land and Land Reforms Officer against an order which was registered as Revenue Appeal No. 71 of 2013. Such appeal was disposed of by an order dated August 6, 2015 by recording the share of Sattar Mondal for an area of 85 decimals of land with a direction that the concerned BL&LRO should make the necessary corrections. By virtue of such order, the concerned BL&LRO corrected the Record of Rights of the predecessor-in-interest of the writ petitioners by an order dated September 8, 2015.

11. Being aggrieved thereby, the writ petitioners approached the Tribunal by way of OA 3482 of 2015 (LRTT) which was disposed of by the impugned order.

12. The concerned BL&LRO as well as the appellate authority took into account the deed of conveyances appearing in favour of the predecessor-in-interest of

the writ petitioners, namely Sattar Mondal. Such deed of conveyances entitle Sattar Mondal to an area of 85 decimal in original Plot No. 106.

13. Sattar Mondal was recorded to be the owner in respect of 85 decimals of land comprised in the original Plot No. 106.

14. The writ petitioners claim through Sattar Mondal.

15. The writ petitioners, therefore, cannot claim a higher or a greater area of land than Sattar Mondal in respect of original Plot No. 106.

16. The Tribunal took the same into consideration. Consequently, it did not find any merit in the claim advanced by the writ petitioners.

17. In view of the discussions above, we find no reason to interfere with the impugned order of the Tribunal.

18. *WPLRT 112 of 2023* is **dismissed** without any order as to costs.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)