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07.07.2023
Ct. No.10
b.das

WPA 28090 of 2017

Sk. Jansad Ali
Vs.
The State of West Bengal & Ors.

Mr. Soumitra Chatterjee
Mr. Lutful Haque ...for the petitioner.

Mr. Lalit Mohan Mahata
Mr. Rudranil De ...for the State.

Mr. Sujit Sankar Koleyfor WBSEDCL.

Heard learned counsels for the parties.

It is contended on behalf of the petitioner that the petitioner purchased the plot in question by virtue of a deed registered on 17th November, 1952 and his name was accordingly recorded in the record of rights.

Sometime in the year 2017, the petitioner found that the name of the 7th respondent was recorded in the record of rights instead and place of his name. The petitioner approached the concerned authority for correction of record of rights and in a proceeding drawn up under Section 50 of the West Bengal Land Reforms Act, 1955, the concerned authority turned down the prayer of the petitioner on the ground that the plot in question was acquired vide Special LA Case No.57 of 1957-58 and possession certificate was issued in favour of the 7th

respondent in 1958. The petitioner chose not to challenge the said order.

It appears from the report in the form of affidavit submitted on behalf of the 7th respondent that the deed of 1951 on the basis of which the petitioner claims title in respect of the property was sent for authentication by the District Sub-Registrar, Birbhum and the said authority by a letter dated 7th November, 2017, stated that the said deed was not registered at the office of the District Sub-Registrar, Birbhum.

Learned counsels for the respondents submit that since the title deed on the basis of which the petitioner claims right, title and interest in respect of the plot in question was not registered at the relevant office and therefore, is not a valid document, no relief can be granted to the petitioner in the writ petition on the basis of the said deed.

Learned counsel for the 7th respondent has annexed photocopy of a deed registered on 13th December, 1981 in favour of the petitioner by the same vendor in respect of the plots of land as in the earlier deed of 1951. This deed has not been relied upon or annexed by the petitioner in the writ petition. Also, no explanation has been put forth by the petitioner as to under what circumstances an identical deed was allegedly executed and registered in 1981 despite transfer of title in favour of the petitioner by the earlier deed executed in 1951, as claimed by him.

Be that as it may, since the title deed of 1951 is said to be invalid by the District Sub-Registrar, Birbhum in his letter dated 7th November, 2017, this Court is inclined to hold that there are complicated questions of fact involved in this matter which cannot be dealt with by this Court in exercising jurisdiction under Article 226 of the Constitution of India.

In view of the above, the writ petition being WPA 28090 of 2017 is dismissed.

It is made clear that this Court has not gone into the merits of the case and the petitioner shall be at liberty to approach the appropriate forum for redressal of his grievance.

However, there shall be no order as to costs.

Since no affidavit is invited, the allegations contained in the petition are deemed not to be admitted.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)