

25.11.2024
Item No.10
Court No.11
Avijit Mitra

WPLRT 2 of 2024

Sk. Abdur Sattar
- versus -
The State of West Bengal & ors.

Mr. Bhaskar Chandra Manna
...for the petitioner
Mr. Somnath Ganguli
...for the State

1. The affidavit-of-service as filed by the petitioner be kept on record.
2. The writ petitioner and the respondent nos. 1 to 4 i.e. the State and its officials are represented by their respective learned advocates.
3. Learned advocate appearing on behalf of the respondents files an instruction in writing as received by him from one Atanu Mondal, Block Land & Land Reforms Officer, Egra-II, Balighai, Purba Medinipur. The same is taken on record.
4. In this writ petition, the writ petitioner has prayed for issuance of the writ of mandamus directing the respondent no.3 to correct the record of right in respect of the land in question with a further prayer for quashing the order dated January 2, 2023 as passed in O.A. No.3720 of 2022 (LRTT) by the West Bengal Land Reforms and Tenancy Tribunal (hereinafter referred to as the said Tribunal, in short).

5. By the said order, the said Tribunal refused to entertain the writ petitioner's application being O.A. No.3720 of 2022 for a direction upon the respondent authorities for removal of the remarks '14P' in respect of Plot No.237 in Mouza Bathuari under J.L. No.244 under khatian No.2212 under P.S Egra, District Purba Medinipur.
6. In support of the instant writ petition, learned advocate for the writ petitioner submits before this Court that the writ petitioner became the owner of 80 decimal of land out of 1.88 acre in Hal Plot No.237 in Mouza Bathuari under J.L. No.244 on the strength of a registered deed of gift as executed by his father Enamul Hossain in the year 2014 in favour of him.
7. It is submitted further that the father of the writ petitioner i.e. Enamul Hossain purchased the said plot of land totaling to 1.88 acre in the year 1976.
8. It has been contended further that after purchase of the aforementioned plot of land, the said plot of land was mutated in the name of his father, namely; Enamul Hossain and after execution of the registered deed of conveyance by the said Enamul Hossain in favour of the writ petitioner, the name of the writ petitioner was also mutated in respect of the aforementioned plot of land to the extent of the area as gifted to him.

9. It is further contended on behalf of the writ petitioner that the writ petitioner applied for mutation and conversion of land and such prayer was also considered favourably by the respondent authorities.
10. It is the further case of the writ petitioner that after obtaining necessary sanction from the local body, the writ petitioner started making construction of a building and applied for a bank loan. However, the bank officials refused to grant such loan since in the record of right in respect of the plot of land in question there is an endorsement '14P'.
11. It is submitted on behalf of the petitioner that on account of such predicament, the writ petitioner has submitted a representation dated September 15, 2022 to the respondent no.3 but the respondent no.3 sat tight over the matter and did nothing.
12. It is thus submitted that finding no other alternative, the writ petitioner approached the said Tribunal by filing O.A. 2720 of 2022 which was however dismissed by the impugned order dated January 2, 2023.
13. It is submitted on behalf of the writ petitioner that when the writ petitioner's name has been recorded in respect of the aforesaid plot no.237 by way of mutation and when the writ petitioner's further application for conversion of land from Jal to Bastu has also been allowed, there cannot be any impediment on the part of the respondents more specifically on the part of the

respondent no.3 to remove the endorsement '14P' from the record of right as standing in the name of the writ petitioner in respect of the said plot of land.

14. It is thus submitted that the said Tribunal has failed to visualize the true spirit to Section 14P of the West Bengal Land Reforms Act (hereinafter referred to as the said Act).
15. *Per contra*, the learned advocate appearing on behalf of the State respondents submits before this Court that on perusal of Section 14P of the said Act it would reveal that the said Section has got no nexus either with the transfer of the said plot of land or mutation of the name of the new recorded owner or even in respect of conversion as has been prayed by the writ petitioner.
16. It is further submitted by the learned advocate for the State that while disposing of the OA 3720 of 2022, the said Tribunal rightly observed that even at the time of purchase by the predecessor-in-interest of the writ petitioner, the endorsement '14P' was there in respect of the plot no.237. It is thus submitted that the instant writ petition deserves to be dismissed.
17. On perusal of the entire materials placed before us including the certified copy of the order under challenge and having heard the learned counsels appearing on behalf of the contending parties it appears to this Court that while passing the impugned

order dated January 2, 2023 the learned Tribunal came to a finding that no document is placed before him to show that the writ petitioner has at all made any application before the respondent no.3 authority with a prayer for removal of endorsement '14P'. However, from the report as submitted on behalf of the State it would reveal that as a matter of fact such prayer have been made on behalf of the writ petitioner on September 15, 2022.

18. Admittedly, no material has been placed before this Court either by way of a report or otherwise that the respondent no.3 has at all considered the said representation of the writ petitioner as submitted on September 15, 2022.
19. In view of such, while disposing of the instant writ petition we direct the respondent no.3 to consider the writ petitioner's representation dated September 15, 2022 as received by him after giving an opportunity of hearing to the writ petitioner and also to the other interested stake holders and to pass a reasoned order positively within three months from the date of communication of this order.
20. The respondent no.3 is further directed to communicate his reasoned order to the writ petitioner positively within a fortnight from the date of passing of the said reasoned order.

21. Before parting with, it is made clear that we have not gone into the merits of the case and thus all points are left open to be considered by the respondent no.3 without being influenced by any of the observations made in this order.
22. With the aforementioned observations and directions the instant writ petition is disposed of.
23. There shall, however, be no order as to costs.
24. Urgent photostat certified copy of this order, if applied for, be given to the learned advocates for the parties.

(Partha Sarathi Sen, J.) (Tapabrata Chakraborty, J.)