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**29.02.2024**  
**Ct. No. 11**  
**rrc**

**WPLRT 20 of 2024**  
(Shyamal Kumar Dutta Vs. The State of  
West Bengal & Ors.)

**Mr. Supratim Dhar**  
**Mr. Prasanta Bishal**  
**..... For the petitioner**

**Mr. Jannat ul Firdous**  
**..... For the respondent**  
**nos. 4(a) to 4(d)**

Affidavit-of-service filed by the petitioner is taken on record. Despite service, State is unrepresented.

Being aggrieved by the order dated 6<sup>th</sup> September, 2023 passed by the learned tribunal in an original application being OA No. 2573 of 2023, this writ petition was instituted. The operative of the order impugned is as follows:

*“The application is disposed of without entering into the merits and without prejudice to the rights and contentions of the parties with a direction upon the applicant to submit a demand of justice addressed to the concerned B.L.&L.R.O. proposing the relief therein as disclosed in the representation dated 20.07.2023 within 10 weeks from the date of getting certified copy of this order.*

*This would not prevent the concerned B.L.& L.R.O. to dispose of the representation in accordance with law in his own jurisdiction.”*

Mr. Dhar, learned advocate representing the petitioner contends that one Bholanath Dutta, since deceased happened to

be owner of the plots of land forming the subject matter of the lis. Upon retention of the lands during RS operation held under the West Bengal Estate Acquisition Act, 1953, Bholanath acquired the interest of a *raiyat* in respect of those plots. On demise of Bholanath, her two daughters, namely, Piru Bala Chowdhury and Minati Rani Dutta acquired ownership of the lands by way of inheritance. In 1977, by executing one registered deed of partition, they partitioned those those lands according to their proportionate shares. One of the co-sharer, namely, Minati Rani Dutta breathed her last. Consequently, the petitioner being only son of Minati Rani Dutta inherited the proportionate shares of Minati Rani Dutta in respect of the lands.

Suddenly, with his utter surprise, the petitioner found that in LR Record of Rights, one deity has been erroneously mentioned as *raiyat* in respect of those plots of land though there is no antecedent of endowment of the lands or any part thereof to any deity. Immediately thereafter, by making an application on 28<sup>th</sup> November, 2022, the petitioner requested the B.L&L.R.O. concerned to rectify the wrong entry crept in the L.R. record-of-rights. The petitioner also renewed such prayer by making a further representation dated 20<sup>th</sup> July, 2023, but despite receipt of those two representations, B.L&L.R.O. maintained deceptive silence. As such, the petitioner was constrained to approach the learned tribunal seeking a direction upon the B.L&L.R.O. to dispose of those representations as expeditiously as possible but the learned tribunal ignoring such fact directed the applicant to submit further demand of justice.

Mr. Firdous, learned advocate enters appearance on behalf of the respondent nos. 4(a) to 4(d).

Having heard the learned advocates appearing for the respective parties and upon perusal of the materials on record placed before us, we do not find any perversity or infirmity or any patent error in the order impugned to interfere with the same.

However, having regard to the nature and facts and circumstances of this case, we dispose of the writ petition extending the time to submit the demand of justice, as directed by the learned tribunal within a period of 2(two) weeks from date and if such demand of justice is submitted within the time stipulated hereinabove, the B.L.&L.R.O. shall dispose of the same by passing a reasoned order after giving an opportunity of being heard to the petitioner and other interested persons, if any as expeditiously as possible preferably within a period of 8(eight) weeks from the receipt of such demand of justice.

The BL&LRO shall communicate his decision to the petitioner within a period of 2 (two) weeks from the date of taking such decision. It is made clear that we have not gone into the merits of the case. All points are kept open to be decided by the B.L.& L.R.O.

There shall be no order as to costs.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

**(Partha Sarathi Chatterjee, J.) (Tapabrata Chakraborty, J.)**