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29.02.2024
Ct. No.11
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WPLRT 24 of 2024
(Smt. Asha Maity Vs. The State of
West Bengal & Ors.)

Mr. Milan Kumar Maity
..... For the petitioner

Mr. Jahar Lal De,
Ms. Debarati Sen (Bose)
..... For the State/Respondents.

Tenability of the order dated January 22, 2024 passed by the learned Tribunal in the original application being O.A. 3744 of 2023(LRTT) is under challenge in this writ petition. By the order impugned the learned Tribunal dismissed the original application.

Mr. Maity, learned advocate representing the petitioner contends that the petitioner made an application before the competent authority praying for conversion of the subject plot of land from '*danga*' to '*vastu*' since long back but despite receipt of such application, the authority concerned maintained deceptive silence and as such, the petitioner was constrained to approach the learned Tribunal for a direction upon the authority concerned to dispose of her application for conversion but the learned Tribunal without considering the grievances of the petitioner in proper perspective has illegally dismissed the original application.

Mr. De, learned advocate appearing for the State, assisted by Ms. Sen (Bose) vehemently opposes such contention of Mr. Maity. He contends that though the

petitioner claimed that she had approached the competent authority for conversion of her land but no application in prescribed form had been submitted by the petitioner nor has any receipt been annexed with the original application to show that any representation was ever filed by the petitioner before the competent authority. He strenuously contends that there is no infirmity in the order impugned warranting interference of the same by this Court.

Heard the learned advocates representing the respective parties. Perused the material on record.

Section 4C of the West Bengal Land Reforms Act, 1955 (in short, the Act of 1955) has empowered the Collector to direct conversion of a land for any purpose other than the purpose for which it was settled or was being previously used on an application made for such purpose and in doing so, the procedure prescribed in the provisions of Section 4C of the Act of 1955 is required to be followed.

Rule 5A of the West Bengal Land Reforms Rules, 1965 (in short, the Rules) prescribes the mode and manner in which the application for conversion would be made. In terms of Rule 5A, one person seeking conversion of his/her land is to make application in Form 1A. Needless to state that specimen of Form 1A has been appended to the Rules.

It is well settled proposition of law that when statute requires any person or any statutory authority to do one thing in a particular mode and manner, the same must be done in that mode and manner. The Collector, B.L. & L.R.O. and D.L. & L.R.O. are all creatures of the statute and they are bound to act within the four corners of the statutes.

Admittedly, no documents have been placed to demonstrate that the petitioner made application for conversion in prescribed form and even no receipt has been placed to show that any representation was made by the petitioner to the competent authority ventilating her grievance. For these reasons, the learned Tribunal has rightly refused to exercise its discretion in favour of the petitioner.

In view of foregoing analysis, we do not find any error, least to say, any patent error in the order impugned. We do not find any material to infer that order impugned in the writ petition suffers from vice of jurisdictional error. Consequently, we are of the considered view there is no scope to interfere with the order impugned in the writ petition.

Resultantly, the writ petition is, thus, dismissed, however, without any order as to the costs.

However, it is clarified that this order shall not preclude the petitioner to submit application for conversion in prescribed form before the competent authority.

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

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