

05.08.2024
Sl. No.3(ML)
srm

W.P.A. No. 6957 of 2023
Saraswati Halder & Anr.
Versus
The State of West Bengal & Ors.

Mr. Subhendu Banerjee
...for the Petitioners.

Mr. Amal Kumar Sen
...for the State-respondents.

1. Affidavit-of-service is taken on record.
2. The prayers in the writ petition are not entertained at this stage.
3. The petitioners allege that a particular deed was registered on the basis of forged LTIs and prays for cancellation of such deed. The petitioners rely on the office order issued by the Principal Secretary & Land Reforms Commissioner, Land & Land Reforms and Refugee Relief and Rehabilitation Department, Government of West Bengal, dated January 17, 2020, which states that on the receipt of any complaint of fake and forged deed being registered, the Block Land and Land Reforms Officer shall forward the matter to the registering authority and once the confirmation is received from the registering authority that the deed is either fake or forged,

penal action should be initiated against the wrongdoer by lodging an FIR with the local police station and the deed shall be treated *void ab initio* and mutation should not be allowed on the basis of such deed.

4. Petitioners accordingly made a representation before the Additional District Sub-Register, Block Joynagar-I, South 24-Parganas and The Block Land and Land Reforms Officer, Joynagar-2, South 24-Parganas. From the representation of the petitioners it appears that the allegation of the petitioners is that their nephew Chandra Nath Mondal had obtained their LTIs on blank papers and thereafter used the said papers for fabrication of a deed of gift in his favour.
5. In my opinion, this situation does not cover the office order which was issued by the concerned Principal Secretary to the Land Reforms Commissioner, Land & Land Reforms and Refugee Relief and Rehabilitation Department, Government of West Bengal. The office order related to applications for mutation on the basis of forged and fabricated deeds. The tenor of the office order indicates that the concerned Principal Secretary had advised all the Block Land and Land Reforms Officers that if during the pendency of any mutation case, an allegation was made that the deed, on the basis of which the mutation was being sought was either false or fabricated, an

instruction from the registration authority would be required to verify whether at all such registration had taken place or not. The office order cannot empower the registering authority to discharge the functions of a civil court or of the investigating agency to decide on the issue of forgery. Cancellation of the deed in the instance case must be done by a civil court. Such power rests only with the civil court.

6. Moreover, the petitioners' allegation is that their nephew misled them and got their LTIs on blank papers and created a deed of gift behind their back and without their knowledge and permission. Such deed has to be set aside by a civil court.
7. The petitioners are also at liberty to approach the police authorities, if permissible by law.
8. The writ petition is, thus, disposed of.
9. There shall be no order as to costs.
10. Parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)