

WPA 14136 of 2023

Kanai Singh @ Kanai Lal Singh
Vs.
The State of W. B. & Ors.

Mr. K. C. Das
Sk. Sahjahan Ali ...for the petitioner.

Mr. Chandi Charan De
Mr. Anirban Sarkar ...for the State.

Affidavit of service filed by the petitioner is taken on record.

Heard learned counsels for the parties.

The petitioner is a member of Scheduled Tribe community and intends to sell out his land since he is not able to cultivate the same due to his old age and several ailments.

The petitioner sought permission of the concerned authority for such sale in terms of Section 14C of the West Bengal Land Reforms Act, 1955. Though notice of hearing in that regard was issued by the District Welfare Officer, hearing was conducted and order passed by the District Magistrate and Collector.

Being aggrieved by the said order the petitioner approached his Court in a writ petition being WPA 2256 of 2023. By an order passed on 13th March, 2023, this Court set aside the order of the District Magistrate and Collector

and directed reconsideration of the application by the District Welfare Officer.

Pursuant to the said order, the order impugned has been passed. It appears from the order impugned that it is a reiteration of the earlier order passed by the District Magistrate and Collector. Several issues have been discussed by the concerned authority in the order impugned which do not fall within the purview of the relevant provision of the Act.

The proviso to Section 14C of the Act is reproduced hereinbelow for the purpose of adjudication of the issue:

“Provided that any such raiyat may, with the previous permission, in writing, of the Revenue Officer, transfer by sale his plot of land or any part thereof to a person not belonging to any Scheduled Tribe:

Provided further that no such permission shall be granted by the Revenue Officer unless he is satisfied that no purchaser belonging to a Scheduled Tribe is willing to pay the fair market price of the plot of land or any part thereof and that the proposed sale is intended to be made for one or more of the following purposes, namely:-

- a) for the improvement of any other part of the plot of land, or
- b) for investment, or
- c) for such other purposes as may be prescribed.”

Since it appears that the petitioner is entitled to sell out his plot of land to a person not belonging to the Scheduled Tribe, this Court is inclined to hold that the concerned authority should be directed to accord such permission subject to the petitioner fulfilling all requisite conditions of such transfer.

In view of the above, the order impugned dated 28th March, 2023 passed by the District Welfare Officer, Purba Medinipur is set aside.

The District Welfare Officer, Purba Medinipur, being the 3rd respondent herein, is directed to accord necessary permission to the petitioner in terms of Section 14C of the Act of 1955, subject to the petitioner complying with all requisite conditions for the same. The entire exercise shall be completed within one month from the date of communication of this order.

The writ petition is disposed of.

There shall, however, 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.)