

23.09.2024
Court No. 2
Sl. No.27
KB

**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Jurisdiction**

W.P.A. 1911 of 2024

**Mihir Roy
-versus
The State of West Bengal & Ors.**

**Mr. Sankar Nath Mukherjee
Mr. Niraj Gupta
Mr. Swarup Das
...For the Petitioner.**

**Mr. Hirak Barman
...For State.**

Affidavit of service filed in Court today is taken on record.

The petitioner claims to be the successor-in-interest of certain plots of land owned by his mother Saraswati Roy since deceased.

The said Saraswati Roy died intestate on 23rd February, 2009. The petitioner applied for correction of Record of Rights in the year 2017. At that point of time it was revealed that the plot of land was registered in the name of a third party.

On enquiry, the petitioner found that fake and forged documents were used for preparing false deeds for transfer of the plot of land. A complaint was lodged before the District Magistrate.

The said complaint was enquired and from the report of the Block Development Officer, Rajganj,

Jalpaiguri dated 16th February, 2023 addressed to the Additional District Magistrate and the District Land & Land Reforms Officer, Jalpaiguri, it appears that the document of Khatian 448 which was recorded in the name of Saraswati Roy was found to be partly damaged as per the khasra report available in the office. Both the plots 1187 and 1188 were found to be recorded in the name of the mother of the petitioner in cent percent share.

It is the specific case of the petitioner that one Uttam Kumar Das, the then Revenue Officer attached to the Office of the Block Development Officer, Rajganj is responsible for creating fake and forged deed of transfer of the subject plot of land.

The petitioner relies on the order of the Principal Secretary and Land and Land Reforms Commissioner, Land and Land Reforms and Rehabilitation Department dated 17th January, 2020 which records that there are reports of attempts to get names recorded in the Record of Rights by furnishing fake and forged deeds. Immediately on receipt of such information through written complaint or otherwise, the B.L. & L.R.O. shall immediately refer the matter to the registration authority. If the deed is found to be fake or forged, penal action to be initiated against the wrong doer. The B.L. & L.R.O. has been given the power to cancel the mutation and promptly restore the records to its original position.

The Deputy D.L. & L.R.O., Jalpaiguri by communicating Memo No.169 dated 1st July, 2024 requested the petitioner to submit cogent documentary evidence or Court's order in support of his claim/complaint. The petitioner submitted the supporting documents on 10th July, 2024. The same is yet to be acted upon.

It appears from the list submitted by the petitioner that there are quite a few documents in support of the ownership of the land by Saraswati Roy. The D.L & L.R.O. is directed to take consequent necessary steps in accordance with law and the prevailing guidelines upon consideration of the documents submitted by the petitioner.

If it transpires that the documents submitted by the petitioner are proper, then steps for correcting the Record of Rights shall be made by the aforesaid respondent.

Steps shall be taken in the matter at the earliest but positively within a period of twelve weeks from the date of communication of this order.

The writ petition stands disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties upon compliance of usual legal formalities.

(Amrita Sinha, J.)