

23.09.2024
Court No. 2
Sl. No.28
KB

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

W.P.A. 1912 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. Momenur Rahaman
Mr. Sourav Sarkar
...For State.**

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

The petitioner is aggrieved by the communication being Memo No. 2086/BLLRO/RAJ/JAL/2024 dated 30th July, 2024 by the Assistant Director and Block Land & Land Reforms Officer, Rajganj, Jalpaiguri suggesting the petitioner to file appeal under Section 54 of the West Bengal Land Reforms Act, 1955 for correction of the mutation cases disposed of Under Section 50 of the West Bengal Land Reforms Act, 1955.

The petitioner relies upon the Order dated 17th January, 2020 issued by the Principal Secretary and Land Reforms Commissioner to promptly restore the

records to its original position under Section 50(1)(f) of the West Bengal Land Reforms Act, 1955 if it is confirmed from the registering authority that the deed of transfer is fake or forged.

It has been submitted that the Block Land & Land Reforms Officer ought to have acted in terms of the aforesaid Order of the Principal Secretary and Land Reforms Commissioner dated 17th January, 2020 and ought not to have suggested filing of the appeal under Section 54 of the West Bengal Land Reforms Act, 1955.

It appears from the submission made on behalf of the petitioner and on perusal of the materials on record, that the petitioner insists that one Uttam Kumar Das, the then Revenue Officer attached to the office of the Block Land and Land Reforms Officer, Rajganj was instrumental in preparation of fake and forged deeds for getting the lands of the petitioner, inherited from his mother, transferred in favour of third persons.

In view of the allegations made by the petitioner, the Block Land & Land Reforms Officer ought to have verified the documents in support of transfer from the registering authority.

If, on confirmation from the registering authority, it appears that the allegation of the petitioner is correct, then the B.L & L.R.O. ought to have restored the records to its original position and ought not to have advised the petitioner to prefer appeal under Section 54 of the Act.

In view of the facts and submissions narrated hereinabove, the Court is of the opinion that the Block Land and Land Reforms Officer ought not to have issued the impugned notification dated 30th July, 2024 advising the petitioner to prefer appeal.

The Block Land and Land Reforms Officer ought to have verified the deed of transfer and thereafter should have taken necessary consequential steps.

The impugned notification of the Block Land and Land Reforms Officer is, accordingly, set aside and quashed.

The Block Land and Land Reforms Officer, Rajganj is directed to take steps in terms of the Order dated 17th January, 2020 and verify the transfer documents relying upon which the Record of Rights were corrected.

The Block Land and Land Reforms Officer shall take into consideration the report of the Deputy District Land and Land Reforms Officer, Jalpaiguri dated 5th January, 2023 at the time of considering the prayer of the petitioner.

Steps shall be taken in the matter by the Block Land and Land Reforms Officer, Rajganj at the earliest but positively within a period of twelve weeks from the date of communication of this order.

Learned advocate for the petitioner is directed to forward all documents in support of his claim to the aforesaid officer at the time of communicating the 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.)