

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

38 19.3.2025
Sc Ct. no.2

WPA 5583 OF 2025

Ratan Sarkar

Vs.

The Principal Secretary and Land Reforms
Commissioner, Land and Land Reforms and
Refugee Relief and Rehabilitation Department,
Government of West Bengal & Ors.

Mr. Mit Guha Roy
Mr. Nikunj Sharma.

....For the Petitioner

Mr. Chandi Charan De, AGP
Ms. Reshma Chatterjee.

....For the Respondent
Nos. 1 to 3/State

Mr. Probal Kr. Mukherjee
Ms. Shebatee Datta.

....For the Respondent
Nos. 4 to 9

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

Mr. Mit Guha Roy, learned Counsel appears for the
petitioner.

Mr. Chandi Charan De, learned Additional
Government Pleader with Ms. Reshma Chatterjee, learned
Counsel appears for the respondent nos. 1 to 3.

Mr. Probal Kr. Mukherjee, learned Senior Counsel
with Ms. Sebatee Datta, learned Counsel appears for the
respondent nos. 4 to 9.

The writ petition has been filed with the following
reliefs :

- “a. A Writ of and/or in the nature of Mandamus be issued commanding the respondent authorities to render all sorts of possible administrative help in respect of promptly restoring the name of the actual owners in its original position under Section 50(1)(f) of the WBLR Act as it happens to be earlier prior to recording the names of the private respondents by the Revenue Officer B.L&L.R.O., Kolkata, District – South 24 Parganas, under the influence of the private respondent nos.4, 5 and other purported co-owners, and hence, your Lordship may be pleased to make the Rule absolute;*
- b. A Writ of and/or in the nature of Certiorari to be issued commanding the respondent authorities to transmit the relevant records of this case by which the conscionable justice may be rendered;*
- c. Rule in terms of prayers (a) and (b) above;*
- d. Costs;*
- e. Such other or further order or orders be passed as your Lordship may deem fit and proper.”*

The averments relevant for adjudication of the instant case are quoted from the writ petition.

“Your petitioner further submits that credible information revealed a purportedly forged deed showing to be registered as Deed no.216 registered before the office of the District Registrar at Alipore on 14.01.1959, was submitted for the purpose of mutation of the records of rights. Therefore, the private respondents have conjointly forged multiple documents which purports to be a valuable security to make or transfer any valuable security or to receive or deliver any money, or movable property out of the same & thereby commit a forgery of a document related to the valuable security.

.....

Your petitioner most humbly submits that your petitioner lodged a FIR vide Thakurpukur P.S. Case No.212 of 2024, but due to inaction on the part of the respondent authorities, it ended up with FRT, the ROR authorities has failed to render all sorts of

administrative help in respect of the petitioner's premises by which the proper justification may be rendered otherwise the right of the petitioner will be seriously prejudiced."

Learned Counsel appearing for the petitioner referring to the State Notification dated **January 17, 2020, Annexure-P3 at page 28** to the writ petition submits that, to protect and reverse the action of fraud and to restrain the people at large from committing fraud relating to the land by way of grabbing lands illegally, the State has come up with this notification to the effect that, immediately on receipt of any information, through written complaints or otherwise, BL&LRO shall refer the matter to the registration authority concerned with regard to any allegation of fraud practiced relating to the ownership of a land. Once confirmation is received from the registration authority that the Deed is fake or forged, penal action shall be initiated against the wrong doer by lodging an FIR with the local police station and the BL&LRO shall also cancel the mutation proceeding, initiated on the basis of such forged/fake document. If mutation has already been done, the same shall be treated as void *ab initio* and the BL&LRO shall on an application or on its own motion, promptly restore the record to its original position under the provisions of the **West Bengal Land Reforms Act.**

Relying upon the averments made in the writ petition, as quoted above, learned Counsel for the petitioner submits that, a forged and fake Title

Deed/Conveyance was executed on **January 14, 1959** in respect of the subject property, on the basis whereof, mutation has been done and, ultimately, the private respondent nos. 4 to 9 have become the owners of the selfsame property. He submits that, the Conveyance never existed and does not exist today. Therefore, the entire ownership has been vested in favour of the private respondents by practicing fraud and forgery and also by committing fraud on public records as the mutation stands in their name.

In the light of the above, learned Counsel for the petitioner submits that, the petitioner has submitted a representation dated **December 2, 2024, Annexure-P4 at page 29** to the writ petition which has not been considered by the jurisdictional BL&LRO. Hence, this writ petition.

Learned Senior Counsel Mr. Probal Kr. Mukherjee appearing for the private respondents submits that, the petitioner has no nexus or connection with the property whatsoever. The private respondents are the absolute and lawful owners of the property. Therefore, neither the writ petitioner has any *locus* to maintain this writ petition nor the writ petitioner can file this writ petition espousing a cause, for which he has no legal right.

Mr. Mukherjee, learned Senior Counsel further submits that, unless there is a proper declaration obtained by the petitioner to the extent that the **Deed of 1959** as alleged by the petitioner is a result of fraud, he

cannot have any right to lodge any complaint with regard thereto.

Mr. Chandi Charan De, learned Additional Government Pleader referring to the said State notification at **page 28** to the writ petition submits that at least, *prima facie*, the document alleged should be declared as a forged or a fake document, then only this notification shall apply. Accordingly, he submits that the writ petition is not maintainable and should be dismissed.

After considering the rival contentions of the parties and upon perusal of the materials on record, this Court finds, *prima facie*, in the criminal complaint initiated by the petitioner, no finding has been arrived at by the appropriate jurisdictional authority that, any cognizance can be taken with regard to the subject Deed being forged and fake, as would be evident from **paragraph 12** to the writ petition. The Deed is of **1959**. The record does not disclose that contemporaneously or even thereafter but before **January 17, 2020** any step was taken by the petitioner to ventilate the alleged grievance that the subject Title Deed was a result of fraud and the same was fake.

Learned Counsel for the petitioner submits that the Deed has been prepared in **2024**, as his client has come to know and immediately thereafter he submitted the representation, so that steps can be taken in terms of the said State notification dated **January 17, 2020**.

In view of the above, this Court is of the view that, there is no *prima facie* finding by a competent Court or authority of law that, the said **Deed of 1959** is fake or was executed as a result of fraud or that the same was prepared/manufactured in **2024** as submitted by the petitioner.

The pith and substance of the contention of the petitioner is that, the petitioner intends to challenge the said **Deed of 1959** by submitting a representation dated **December 2, 2024** at **page 29** to the writ petition on the strength of the said State notification dated **January 17, 2020**.

Firstly, the record shows that, the petitioner has no semblance of right or nexus or connection with the subject immovable property in respect whereof the said **Title Deed of 1959** was executed.

Secondly, in exercise of its equitable jurisdiction, this Court is of the firm view that, unless there is a specific declaration from a competent Court of law to the effect that, the said **Deed of 1959** is a result of fraud and tainted with forgery, this Court in exercise of its power under Article 226 of the Constitution of India shall not pass any direction that the same to be decided in the light of the said State notification dated **January 17, 2020**. Moreover, the facts stated on behalf of the petitioner in the writ petition as also submitted before this Court are all triable issues and without conducting a proper trial on those, it is not possible for this Court to come to a *prima*

facie satisfaction in support of the allegations of the petitioner.

In view of the foregoing reasons and discussions this Court is of the considered view that, this writ petition is devoid of any merit. The writ petition is a speculative one.

Accordingly, this writ petition, **WPA 5583 of 2025** stands ***dismissed***, without any order as to costs.

However, if the petitioner initiates any appropriate proceeding before the competent forum in accordance with law, such forum shall decide the issue independently and strictly in accordance with law including its maintainability and without being influenced by observation, if any, made by this Court.

It is once again made clear that, this Court has not expressed any view or opinion on the said ***Title Deed of 1959*** in the light of the allegations made by the petitioner.

This order has been passed considering the facts and circumstances in the instant case and the same shall not be treated as precedence.

Photostat certified copy of this order, if applied for, be furnished expeditiously.

(Aniruddha Roy, J.)