

S/L 40
21.04.2025
Court. No. 19
Sourav

WPA 7400 of 2025

**Sri Haricharan Sarkar @ Harichand Sarkar
Vs.
The State of West Bengal & Ors.**

*Mr. Subhojit Saha
Ms. Oindrila Ghosal*

...for the petitioner.

*Mr. Bibekananda Tripathy
Mr. Dhananjay Banerjee*

...for the State.

1. The affidavit-of-service as filed in Court today is taken on record.
2. By filing the instant writ petition, the writ petitioner has prayed for issuance of appropriate writ/writs against the respondent no. 5 to consider his representation dated 24.02.2025.
3. In course of hearing, learned advocate appearing on behalf of the writ petitioner at the very outset draws attention of this Court to Page Nos. 16 to 19 of the instant writ petition being a copy of deed of conveyance as executed by the government of West Bengal in favour of the writ petitioner in respect of the schedule mentioned land of the said deed of conveyance.
4. It is submitted that upon execution of the said deed of conveyance, the writ petitioner became the absolute owner of the schedule mentioned property of the said deed of conveyance with the restriction that the writ petitioner would not be permitted to transfer the said land for a stipulated period.

5. It is further submitted that after the said stipulated period, the writ petitioner applied for mutating his name in the record of right in respect of the schedule mentioned property of the said deed of conveyance. However, on the basis of such application, the respondent no. 5/authority though mutated some lands of the writ petitioner in the record of right but such mutation has been made with a wrong classification.
6. It is thus, submitted on behalf of the writ petitioner that such discrepancy was brought to the notice of the respondent no. 5/authority under cover of a letter/representation dated 24.02.2025 but the respondent no. 5/authority for the reason best known to him did nothing and practically sat tight over the matter.
7. It is further submitted on behalf of the writ petitioner that a co-ordinate Bench in a similar case while disposing WPA No. 21283 of 2021 on 04.02.2022 directed the respondents/authorities to consider and dispose of similar type of representation within a specified period in accordance with law.
8. Per contra, learned advocate appearing on behalf of the respondent/State and its functionaries at the very outset draws attention of this Court to the various provisions of Chapter VII A of the West Bengal Land Reforms Act, 1955 (hereinafter referred to as 'the said Act of 1955' in short). It is submitted on behalf of the respondent/State that the said Chapter VII A of the said Act of 1955 deals with the preparation and revision of

record of rights and drawing attention to Section 54 in Chapter IX of the said Act of 1955, it is submitted on behalf of the respondent/State that if any person is aggrieved by any order regarding preparation or revision of record of rights, such order is appealable under Section 54 of the said Act of 1955.

9. This Court has meticulously gone through the entire materials as placed before this Court. This Court has also considered the relevant provisions of law as embodied in Chapter VII A and Chapter IX of the said Act of 1955.
10. It appears to this Court that Chapter VII A of the said Act of 1955 deals with the preparation and revision of record of rights. Section 50B of the said Act of 1955 deals with the modification of record of rights while Section 51 of the said Act of 1955 deals with revision and preparation of the record of rights. It further appears that Section 51B and Section 51BB of the said Act of 1955 empower the revenue officer to revise or correct an entry in the record of right even before or after final publication of the record of rights.
11. On perusal of Section 54 of the said Act of 1955, it reveals that any order as passed under Chapter VII A of the said Act of 1955 is an appealable order i.e., an appeal shall lie against an order passed in Chapter VII A under Section 54 of the said Act of 1955.
12. Coming to the factual aspects of this case, it reveals that it is the grievance of the writ petitioner that despite filing application for mutation, the revenue authority

more specifically, the respondent no. 5 did not correctly recorded his name in the record of rights and there lies some discrepancy either in the plot numbers or in respect of nature of classification of the land. It is the further grievance of the writ petitioner that few lands which have been transferred in favour of the writ petitioner have also not been considered for mutation.

13. This Court considers that for all these aspects remedy lies with the writ petitioner under Section 54 of the said Act of 1955 by preferring an appeal.
14. In view of such and in view of the availability of the alternative remedy, this Court considers that the relief as sought for in the instant writ petition ought not to be entertained. However, since the writ petitioner has approached before this Court instead of filing an appeal, the period exhausted for filing the instant writ petition as well as for disposal of the instant writ petition is hereby condoned and is to extended, if the writ petitioner files any appeal under Section 54 of the said Act of 1955.
15. With the aforementioned observations, the instant writ petition being **WPA 7400 of 2025** is disposed of.
16. Urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance with all the necessary formalities.

(Partha Sarathi Sen, J.)