

25.09.2025

Item no. DL/8
Court No. 38

Asraf, A.R.(Ct.)

In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

Case No. **WPA 7536 of 2025**

In the matter of :
AMIYA SHASMAL
VS. ...Petitioner

THE STATE OF WEST BENGAL & ORS.
...Respondents

For the Petitioner :
Mr. Biswajit Sau
...Advocate

For the Respondents / State :
Mr. Sk. Md. Galib, Sr. Govt. Advocate
Mr. Tanoy Chakrabarty
Mr. Parikshit Goswami
...Advocates

For the Respondent no. 7 :
Mr. Indranil Nandi
Mr. Deba Prasad Samanta
...Advocates

For the Respondent no. 8 :
Mr. Sayak Kumar
...Advocate

1. Affidavit of service filed in Court is taken on record.
2. The petitioner has filed the present writ application praying for a direction upon the respondent nos. 2, 3, 4 and 5 to rectify and / or delete the deed recorded as registered deed no.111206029 in Book No.1 Vol. No.11122023 Page 107512 to 107526 dated 25.11.2022 registered before the Additional District Sub-Registrar Bhupatinagar, on the basis of Solenama

dated 18.04.2023 and the decree dated 16.05.2023 passed by the learned Civil Judge (Junior Division), 2nd Court at Contai in Title Suit No.131 of 2023 by recording the deed of conveyance as cancelled.

3. The learned counsel for the petitioner submits that the petitioner has filed a pre-emption suit under Section 8 of the West Bengal Land Reforms Act, 1955 before the learned Civil Judge (Junior Division), 2nd Court, Contai, Purba Medinipur and the same is pending before the learned Court. Learned counsel for the petitioner further submits that as the deed has been cancelled by way of a Solenama between the respondent nos.7 and 8 but the registering authorities have not recorded the deed as cancelled in terms of the Solenama due to which the pre-emption application filed by the petitioner will be affected.
4. This Court finds that the respondent no.7 has filed the suit being Title Suit no.131 of 2023 before the Civil Judge (Junior Division), 2nd Court, Contai, Purba Medinipur against the respondent no.8 for declaration and permanent injunction. During the pendency of the said suit, both the respondent nos.7 and 8 had entered into a compromise wherein both the parties agreed that the deed to be treated as cancelled. The petitioner has filed the present application for a direction upon the

registering authorities for recording the cancellation of the deed but this Court finds that the petitioner is neither the recorded owner nor the purchaser of the property in question. The petitioner has filed his claim before the learned Court under Section 8 of the West Bengal Land Reforms Act, 1955. If the petitioner has any grievance with regard to the said property, he can take appropriate steps before the appropriate forum. The petitioner cannot maintain this writ application for a direction upon the registering authority for recording the deed of registration as cancelled in terms of the Solenama.

5. Solenama was entered into between the respondent nos.7 and 8 and the respondent no.7 is the recorded owner of the property in question and the petitioner is neither the owner nor the party to the suit. Thus, this Court did not find any merit in the writ application.
6. Accordingly, WPA 7536 of 2025 is **dismissed**.
7. It is made clear that the dismissal of the present writ application will not prevent the petitioner to take appropriate steps before the appropriate Court of law.
8. The learned counsel for the respondent no.7 undertakes to file the Vakalatnama before the Department by tomorrow.

9. All parties shall act on the basis of server copy of this order duly downloaded from the official website of this Hon'ble High Court.
10. Urgent Photostat certified copy of this order, if applied for, be supplied to the parties expeditiously after complying with all requisite formalities.

(Krishna Rao, J.)