

D/L 16
24.06.2025
Court No.14
PRADIP

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

WPA 8685 of 2024

Debaki Nandan Laha
Vs.
The State of West Bengal & Ors.

Mr. Kallol Basu
Mr. Suman Banerjee
Ms. Shreejita Sen

...for the Petitioner.

Mr. Tanoy Chakraborty
Mr. Saptak Sanyal

...for the State.

Mr. Shibaji Kumar Das
Mr. Dipendu Sarkar

...for the Respondent no.7.

Mr. Indranil Chandra
Mr. Souvik Sarkar

...for the Respondent no.9.

1. The petitioner claims to be the owner of certain plots of land which were recorded in his name by virtue of the correction made in the year 2016 by the prescribed authority under Section 50 of the West Bengal Land Reforms Act.
2. The heirs of the deceased recorded holder of the said land raised an objection before the National Human Rights Commission alleging that their claim was not considered and they have been deprived of their right to the property.
3. On a request from the National Human Rights Commission, the issue was taken up for consideration by the District Magistrate who directed the competent authority under the Land Reforms Act to take steps in the matter.

4. The Special Revenue Officer, Gr.-II & BL & LRO Budge Budge-I South 24 Parganas has passed order under Section 51A(4) of the said Act for necessary correction and correction was accordingly made in the Record of Rights.
5. The petitioner is aggrieved by the same.
6. It has been submitted that the District Magistrate does not have the jurisdiction to entertain the issue of correction of Record of Rights. The Record of Rights stood finally corrected in the year 2016 and the same could not have been reopened on the direction of the National Human Rights Commission. The order passed by the District Magistrate for correction of Record of the Rights is without jurisdiction and is liable to be set aside by this Court.
7. Learned advocate representing the private respondents submits that the property in question belonged to and was recorded in the name of one Sudhangshu Sekhar Laha and on his death, the property ought to devolve upon his legal heirs. The petitioner, motivatedly and deliberately, corrected the Record of Rights in his name depriving the claim of the other heirs of the deceased recorded holder.
8. The sisters accordingly approached the National Human Rights Commission. The issue was taken up by the competent authority under the Act and necessary correction has been made. If the petitioner is aggrieved by the same, the petitioner ought to approach the statutory forum for relief. The High Court under Article 226 of the Constitution of India ought not to interfere in the instant case.

9. Learned advocate representing the State respondents submits that the writ petition is not maintainable and the petitioner ought to approach the learned Tribunal under the Act.
10. I have heard the submissions made on behalf of all the parties.
11. It is an admitted fact that mutation neither creates nor extinguishes any right of any of the parties to a subject property. Mutation is only for the purpose of assessment of land revenue to be paid by the assessee.
12. The Record of Rights appears to have been corrected in terms of the West Bengal Land Reforms Act, 1955. The said Act is a specified Act and any steps taken by the authority under the said Act is not amenable under Article 226 of the Constitution of India at the very first instance.
13. The submission of the petitioner that the District Magistrate did not have the authority to enter into the matter is considered by the Court.
14. It appears that the District Magistrate directed the authority under the Act to take steps for correction of the Record of Rights. The District Magistrate himself did not pass any final order for correction of the Record of Rights. The Record of Rights appears to have been corrected by the BL & LRO who is the prescribed authority under the Act.
15. Any person aggrieved by the order passed by the BL & LRO under Section 51A(4) of the Act is required to approach the statutory appellate forum under the Act. The writ petition will not be maintainable.

16. In view of the above, no relief can be granted to the petitioner in the instant writ petition. The writ petition fails and is hereby dismissed.

17. It will be open for the petitioner to approach the competent forum for necessary relief in accordance with law, if so advised.

18. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Amrita Sinha, J.)