

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

Present:
The Hon'ble Justice Debangsu Basak
And
The Hon'ble Justice Md. Shabbar Rashidi

W.P.L.R.T. 77 of 2025

Md. Manirul Islam & Ors.
vs.
The State of West Bengal & Ors.

For the Petitioners : Mr. Ramdulal Manna
Ms. Manju Manna (Dey)
Mr. Sayan Mukherjee

For the State : Mr. Sk. Md. Galib, Sr. Govt. Adv.,
Ms. Sujata Mukherjee

Heard & Judgment on : **June 10, 2025**

DEBANGSU BASAK, J.:-

1. Petitioners and the State are represented.
2. Affidavit of service filed in Court be taken on record.
3. Private respondents refused service.
4. Writ petitioners assail the order dated March 28, 2025 passed by the West Bengal Land Reforms and Tenancy Tribunal in O.A. 243 of 2020 (LRTT).
5. Learned advocate appearing for the writ petitioners submits that an application for mutation of the record of rights was filed at the behest of the private respondents. He refers to such application for mutation and submits that, the private respondents sought mutation of the immovable property in

the name of Hazi Serajuddin. He points out that Hazi Serajuddin expired in the year 2011, while the application for mutation was made in 2013. He submits that the concerned Block Land & Land Reforms Officer allowed the application for mutation by an order dated December 5, 2013 which was affirmed by the order of the appellate authority dated December 18, 2013. He contends that the learned Tribunal erred in accepting the order of the concerned Block Land & Land Reforms Officer and the appellate authority by the impugned order.

6. Learned advocate appearing for the State relies upon a written instruction which be taken on record.
7. He submits that, Hazi Sherajuddin was the owner of the immovable property concerned and, therefore, the property was mutated in his name.
8. In a mutation proceeding, the concerned Block Land & Land Reforms Officer or its appellate authority or even the Tribunal is not to adjudicate upon the title *inter se* amongst the parties with regard to an immovable property.
9. In the facts and circumstances of the present case, as on the date of the application of mutation, Hazi Serajuddin was dead. Therefore, the authorities concerned erred changing the records by recording the name of a dead person in the record of rights on the basis of an application for mutation filed subsequent to the death of such person.
10. In such view, the order passed by the concerned Block Land & Land Reforms Officer dated December 5, 2013 affirmed by the appellate authority on

December 18, 2013 and concurred with by the impugned order dated March 28, 2025 cannot be sustained. All of the same are set aside.

11. The concerned Block Land & Land Reforms Officer will proceed to maintain the record of rights as obtaining prior to the order dated December 5, 2013 passed by the concerned Block Land & Land Reforms Officer.

12. This order will, however, not prevent the parties from applying for mutation, if necessary, in respect of the plots in question. In the event, such application is made, no doubt the same will be considered in accordance with law.

13. **W.P.L.R.T. 77 of 2025** is **disposed of** without any order as to costs.

(Debangsu Basak, J.)

14. I agree

S.D.

(Md. Shabbar Rashidi, J.)