

12.09.2025
SL No.4
Court No.24
Ali

WPA 12856 of 2022

**Prodip Singha
Versus
The State of West Bengal & Ors.**

Mr. Tapas Kumar Dey,
..... for the petitioner.

Mr. Soumitra Bandopadhyay,
Mr. Subhasis Bandopadhyay
.... for the State.

Petitioner approached this Court for alleged in-action of concerned Block Land & Land Reforms Officer (respondent No. 3) in spite of direction of District Land & Land Reforms Officer vide its memo dated 9th of March, 2022.

It is the contentions of the petitioner that the concerned Block Land and Land Reforms Officer has mutated name the private respondent No. 4, in respect of the plot being No. 188/344 under Mouza-Jayanpur, Police Station-Bizpur, District- North 24-Parganas by dint of a fake Deed. He submits that the District Land & Land Reforms Officer has directed the concerned Block Land & Land Reforms Officer to take appropriate measures but the Block Land & Land Reforms Officer sat tight; hence this writ.

It appears from the prayer of the writ petition that the petitioner has prayed for rejection of Mutation in the name of respondent No. 4 in respect of the property in question. It appears that the Mutation was made by the concerned prescribed authority under Section 50 of WBLR Act, 1955 vide Case No. MN/2020/1508/9615. The certified copy of the entire record of the said Mutation case has placed on record being annexure P-7 of the instant writ petition.

Having perused the said case record, it appears that the said Mutation case was disposed of on 6th of August, 2020 by passing a specific order.

Petitioner has admitted that he has not preferred any appeal against that order but directly approached the District Land & Land Reforms Officer.

Having heard the learned counsel for the parties and also considering the submissions of the respondent authority, it appears that as there is a specific order in a specific Mutation case; the petitioner has to challenge the Mutation case on merit according to the provision of Section 54 of WBLR Act, 1955. The concerned District Land & Land Reforms Officer is the competent appellate authority to hear out the appeal.

I understand that the petitioner has approached this Court; this Court is not the appellate authority so petitioner must have confused himself to approach this Court without approaching the matter before the appropriate appellate authority.

At this juncture, I intend to allow the petitioner to file an appeal against the order passed in Mutation case before the appropriate appellate authority.

Under the above observations, the instant writ petition is disposed of directing the petitioner to approach the concerned appellate authority against the order dated 6th of August, 2020 passed in Mutation Case No.MN/2020/1508/9615 within three weeks from the date of passing of this order.

On filing the appeal by the petitioner within the abovementioned period, the delay in preferring the appeal shall be condoned by the competent authority under Section 14 of Limitation Act.

The appropriate authority shall dispose of the appeal according to law after hearing the petitioner and all interested parties within six weeks from the date of receiving of the said appeal. The order of the appeal shall be

communicated to the petitioner within two weeks thereafter.

I make it clear that this Court has not entered into the merits of this matter; the concerned appellate authority shall dispose of the appeal according to the law, without being influenced by any observation of this Court.

As affidavits are not exchanged, the allegations made in the writ petition shall be deemed to have been not admitted.

Under the above observations, the instant writ petition being **WPA 12856 of 2022** is disposed of.

Parties to act upon the server copy and urgent certified copy of this order be provided on usual terms and conditions.

(Subhendu Samanta, J.)