

M/L- 15
01/12/2025
Ct. No.-19
Aritra

WPA 28372 of 2024

**Mayur Processors Pvt. Ltd.
Vs.
The State of West Bengal & Ors.**

Mr. Varun Kothari
Mr. Anurag Bagaria
Mr. Devansh Sonthalia

....for the petitioner

Mr. Md. Masudur Rahaman Baidya
Mr. Sardar Jagjeet Singh

....for the respondent Nos.5 to 7

Mr. Chandi Charan De, AGP
Mr. Anirban Sarkar

....for the State

Affidavit of service filed in Court today is taken on record.

Affidavit-in-opposition filed by the private respondents is taken on record.

The order dated August 28, 2024 passed by the appellate authority under Section 54(3) of the West Bengal Land Reforms Act is under challenge in this writ petition.

Petitioner claims to be the owner of Plot No.2720 Khatian No.4485 by virtue of a Deed of Conveyance. The said property was recorded in the name of the petitioner in the Revenue Records.

Challenging the order recording the name of the petitioner in the Record of Rights with regard to Plot No.2720, the private respondents preferred an appeal under Section 54(3) of the West Bengal Land Reforms Act

and the appellate authority by an order dated August 28, 2024 had set aside the order passed by the Block Land & Land Reforms Officer in the mutation case and remanded the matter to the concerned Block Land & Land Reforms Officer to dispose of the matter on the basis of the proper registered documents and possession after giving opportunity to all the parties concerned.

The learned advocate appearing for the petitioner submits that without supplying any documents to the petitioner, the appellate authority had set aside the order allowing the mutation in favour of the petitioner.

The learned advocate appearing for the private respondents submits that the order allowing the mutation in the name of the petitioner did not record the deed number and other particulars pursuant to which the petitioner was claiming right, title, interest and possession in the property in question.

State is represented by Mr. De, learned Additional Government Pleader.

After going through the order passed by the appellate authority on August 28, 2024, this Court finds that the appellate authority took note of the fact that the order sheet of the mutation case do no record the land schedule and the portion of deed number was blank and the date of the deed was recorded as 1/1/1900.

The appellate authority after perusing the documents filed by both the parties observed that there

may be a technical glitch of the software as the mutation case was disposed of in the period of transitional phase of modern software development.

In the backdrop of such observation the appellate authority thought fit to remand the matter to the concerned Block Land & Land Reforms Officer for setting aside the order passed in the mutation case.

After hearing the learned advocates for the respective parties and considering the issues involved in this writ petition, this Court is of the considered view that the interest of justice would be sub-served if the concerned Block Land & Land Reforms Officer is directed to dispose of the mutation case after remand by the appellate authority within a specified time frame.

Mr. De, learned Additional Government Pleader submits that two weeks' time may be granted to the Block Land & Land Reforms Officer to conduct a hearing and to pass an order thereupon.

In the light of the submissions made by the learned advocates for the respective parties, WPA 28372 of 2024 stands disposed of by directing the Block Land & Land Reforms Officer, Thakurpukur, Metiabruz Block being the respondent No.4 to fix a date of hearing immediately upon receipt of a server copy of this order and to dispose of the mutation case as expeditiously as possible but positively within a period of 3 weeks from the date of receipt of a server copy of this order.

The respondent No.4 shall afford an opportunity of hearing to the respective parties and shall pass a reasoned order which shall be communicated to the respective parties.

The learned advocate for the petitioner submits that a direction be passed upon the private respondents to supply the documents which they seek to rely upon before the Block Land & Land Reforms Officer at the time of hearing of the mutation case.

The learned advocate for the private respondents submitted that the documents which the private respondents seek to rely upon before the Block Land & Land Reforms Officer have been annexed to such affidavit-in-opposition.

A copy of the affidavit-in-opposition has been supplied to the learned advocate for the petitioner.

In view thereof, there is no necessity to pass a further direction upon the private respondents to serve any documents to the petitioner. However, the petitioner shall be obliged to supply all documents to private respondents which they seek to rely upon at the time of hearing before the Block Land & Land Reforms Officer at least a week prior to the date of hearing fixed by the Block Land & Land Reforms Officer.

It is however, made clear that the Block Land & Land Reforms Officer being the respondent No.4 while deciding the mutation case shall not be influenced by any

observations made by this Court or by the appellate authority while remanding the matter before the concerned Block Land & Land Reforms Officer.

There will be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Hiranmay Bhattacharyya, J.)