

Court No. 19
(265719)

25.03.2026
(AD 28)
(S. Banerjee)

WPA 2370 of 2026

Santi Das Kothari
Vs.
The State of West Bengal & Ors.

Mr. Rishad Madora
Mr. Aurin Chakraborty
Mr. Sagnik Majumdar
Ms. Anyapurba Banerjee

...for the petitioner

Mr. B. P. Vaisya, Ld. AGP
Mr. Sourav Mitra

...for the State

Ms. Koyeli Bhattacharyya
Mr. Bibek Dutta

...for the WBBSE

Ms. Anamika Pandey

...for the Teacher in-Charge

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

The petitioner claims to be the Secretary of a society registered under the West Bengal Societies Registration Act, 1961. The petitioner claims that the society is the owner of a plot of land within Mouza – Purulia by virtue of a deed of conveyance being deed no. 11163 of 1967. The petitioner claims that the society gave the land in question on rent to the 7th respondent for the purpose of running a school. The petitioner alleges that the 7th respondent is a

defaulter in payment of rent since April, 2014. The petitioner has challenged a memorandum dated June 9, 2025 issued by the West Bengal, Department of Land and Land Reforms, Refugee Relief and Rehabilitation Department in this writ petition.

Mr. Medora, learned Senior Advocate appearing for the petitioner submits that by virtue of the said memorandum, directions have been passed for mutating the names of the government establishments in the record of rights. He submits that taking advantage of the memorandum dated June 9, 2025, the 7th respondent is taking steps for recording their name in the record of rights in respect of the plot which is the subject-matter of this writ petition.

Learned advocate appearing for the Teacher in-Charge, the 7th respondent herein, submits that the 7th respondent is a government aided school and the petitioner is trying to realize rent from the school forcibly.

Learned advocate appearing for the State submits that pursuant to various orders passed by the Hon'ble Supreme Court, the memorandum dated June 9, 2025 has been issued.

In the recitals of the memorandum dated June 9, 2025, it is stated that in cases where the Government has got the land through gift by some benevolent persons and socially minded individuals and taking advantage of non-updation of the record of rights in respect of such land, the successors of the persons whose name have remained recorded in the record of rights are claiming compensation for such land much belatedly after several decades.

The said Memorandum further states that motivated by the attractive terms of compensation under the 2013 Act, some of such persons are making claims by filing petitions in Courts taking advantage of the absence of formal records.

After taking note of several decisions of the Hon'ble Supreme Court wherein belated or stale claims have been held to be not legally tenable, felt it necessary that the record of rights of Government Establishments are to be updated immediately.

It is not the case of the petitioner that the petitioner has transferred the land in favour of the government by a gift deed. The grievance of the petitioner is that steps are being taken for deletion of the name of the petitioner in the record of rights and to incorporate the name of the 7th respondent in the

record of rights in place and stead of the writ petitioner.

In case any action is initiated by any authority for correcting the record of rights in respect of the plot in question, it will be open to the petitioner to work out his remedies in accordance with law before the appropriate forum.

The petitioner has also prayed for setting aside of the Government Order dated September 30, 2013 issued by the Government of West Bengal, School Education Department.

Since the said Government Order relates to School Education Department, such an issue cannot be gone into by this Court having determination under Group – I or Group – V of the Classification List.

Faced with such situation Mr. Madhava, learned Senior Advocate appearing for the petitioner, on instruction, prays for leave to withdraw this writ petition insofar as the reliefs claimed under prayer (a) of the writ petition is concerned with liberty to approach the appropriate forum in accordance with law.

Prayer (a) of the writ petition is extracted hereinbelow:

“(a) A Writ of and/or in the nature of Mandamus commanding upon the respondents their men, agents and/or assigns to forthwith quash, set aside, withdraw, recall rescind the government order dated 30th September, 2013 being Annexure “P/6” of the instant writ petition;”

In the light of the submission made by Mr. Madora, learned advocate appearing for the petitioner, leave is granted to the petitioner to approach the appropriate forum insofar as the relief claimed under prayer (a) of the writ petition is concerned.

With the above observations and direction this writ petition stands disposed of.

Since no affidavits have been called for, the allegations contained in the writ petition shall not be deemed to have been admitted.

(Hiranmay Bhattacharyya, J.)