

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

**Before:
The Hon'ble Justice Hiranmay Bhattacharyya**

**WPA 21161 of 2025
Rajorshi Ray
Vs.
The State of West Bengal & Ors.**

For the Petitioner (In person) : Mr. Rajorshi Ray

For the State : Mr. Tapan Kumar Mukherjee,
Ld. Addl. Govt. Pleader
Ms. Tuli Sinha
.... advocates

For the Private Respondent
nos. 5,6 and 7 : Mr. Kunal Chakraborty
Mr. Sayantan Bhattacharjeeadvocates

Reserved on : 06.01.2026

Judgment on : 14.01.2026

Hiranmay Bhattacharyya, J.:-

1. Petitioner has prayed for declaration that the Free hold title deed in respect of plot no. 2/252 A Sree Colony is void and for issuance of a writ in the nature of mandamus, directing the authorities of the Refugee, Relief and Rehabilitation Department to cancel the transfer of ownership from the original plot holder of the plot no. 2/252 A Sree Colony and to restore the ownership in favour of the original plot holder in respect of the aforesaid plot.

2. Petitioner claims that his father namely Rabindra Nath Roy, since deceased was the recorded owner of plot being E.P.No. 575 and S.P.No. 693, Sree Colony, Kolkata. From a Memo being no. 28/CDR/SQC dated 12.02.2025, petitioner came to know for the first time that the Free Hold Title deed in respect of the said plot was issued in the name of the brother and sister of Rabindra Nath Roy namely Kanai Lal Roy and Smt. Bijoya Roy respectively. Petitioner claims to have applied for the certified copy of the deed in the name of his father but he received a letter in reply which states that no deed was issued in favour of the father of the petitioner but the same was issued in favour of his uncle and aunt namely Kanai Lal Roy and Bijoya Roy respectively. Petitioner has challenged the action of the respondent authorities in transferring the ownership of the plot in question in the name of Kanai Lal Roy and Bijoya Roy.
3. Petitioner, appearing in person, contended that his father was the original plot holder and he used to reside in the said plot. In support of such contention, he placed reliance upon the Memo dated 19.12.2024 issued under the provisions of the Right to Information Act. He also contended that the said property has been recorded in the name of Rabindra Nath Roy in the Assessment Register of the Kolkata Municipal Corporation. He submits that the title deeds in respect of the plots in question could not have been recorded in the name of Kanai Lal Roy and Bijoya Roy without the No-objection Certificate issued by Rabindra Nath Roy. He submits that the authorities failed to produce any No- objection Certificate issued by Rabindra Nath Roy and, therefore, the transfer of ownership of the plot in question in favour of Kanai Lal Roy and Bijoya Roy should be cancelled and the ownership of the plot in question should be restored in favour of the original plot holder i.e., Rabindra Nath Roy.
4. Mr Mukherjee, learned Additional Government Pleader contended that Freehold Title Deeds are issued for any squatters colony as per the guidelines framed by various Government Orders on the basis of effective possession of the plot holders and upon fulfilling the necessary formalities.

He contended that upon inspection it was found that Kanai Lal Roy and Bijoya Roy were in possession of the plot in question and, accordingly the freehold title deed in respect of the plot in question was issued in their favour. He contended that the writ petition is liable to be dismissed only on the ground of delay and laches as the petitioner has approached this Court only in the month of September 2025 challenging the deed executed on 22.07.1988.

5. The learned advocate for the private respondent submitted that Kanai Lal Roy and Bijoya Roy were in possession of the plot in question and accordingly, the Freehold title deed was rightly issued in their favour.
6. Heard the respective parties and perused the materials placed.
7. Government of West Bengal, in the Refuge Relief and Rehabilitation Department issued Government orders from time to time declaring its decision to give freehold and permanent title deeds to the occupants of the displaced person colonies in urban/municipal areas initially on the State Government's own vested, khas or departmental lands and thereafter in respect of lands belonging to Government of India, Department of Government of India Agencies and land acquired by the State Government under statutory processes also. In order to implement the aforesaid decisions, guidelines were framed under Government Order being no. 1240(17)-Rehab/18R-9/87 dated 20th April, 1987 for implementation of the scheme of conferment of right and title to refugee settlers in urban areas of West Bengal.
8. Para 2(ii) of the said Government Order (for short "G.O") states that in terms of the existing Government policy freehold right and title deed may be executed only in favour of displaced persons from East Pakistan (now Bangladesh) who is in effective possession of an urban plot or a part thereof with a structure on a portion of it as his own as allottee/ arpan patra holder regularized squatters on lands belonging to the State Government in the R.R. & R. Department acquired or received through transfer through the

process of law provided that the said plot is free from legal proceedings/ law suits, or of disputes serious in nature.

9. Para 2(iii) of the said G.O. states that if an allottee/arpan patra holder/ regularised squatter for reasons of age, infirmity and the like desires in writing to have the deed executed in favour of other eligible persons in effective possession of the plot in question the title deed may be so executed.
10. Report in the form of an affidavit was filed by the State respondents.
11. Pursuant to an order dated November 20, 2025, the entire original records were produced before this Court on 02.01.2026. The same was perused by this Court and thereafter returned to the learned Advocate for the State. The petitioner appearing in person was also allowed inspection of the original records of the allotment and photocopies thereof (relevant pages) have been filed before this Court, copies of the same have also been supplied to the petitioner and the private respondent.
12. The specific case made out by the petitioner in paragraph 7 of the writ petition is that Rabindra Nath Roy resided in plot no. 2/252A Sree Colony with both unmarried siblings and also his wife and a plot of land on B-5 survey Park was also purchased. It was also stated therein that the relationship between the wife and sister of Rabindra Nath Roy was not at all smooth so both of them stayed at different place to maintain peace and harmony and Rabindra Nath Roy died on 27.01.1999 in his wife's arm and his son i.e., the petitioner herein was not on spot at the time of death of Rabindra Nath Roy.
13. The Certificate of Death of Rabindra Nath Roy has been annexed to this petition wherefrom it appears that he died on 27.01.1999 at B-5 Survey Park, P.S.-Kasba, Kolkata-700 075 and the place of residence is same as that of the place of death. From the statements made in the writ petition and the Death Certificate, it is evident that Rabindra Nath Roy used to reside at B-5 Survey Park, Kolkata- 700 075 under P.S.- Kasba.

14. However, the petitioner admitted in paragraph 7 of the writ petition that the siblings of the petitioner resided at 2/252 Sree Colony. It is not in dispute that Kanai Lal Roy and Bijoya Roy are siblings of Rabindra Nath Roy.
15. To the mind of this Court, the possession of Kanai Lal Roy and Bijoya Roy at plot no. 2/252 Sree Colony is admitted by the petitioner. It is also admitted that Rabindra Nath Roy resided with his wife at a different place i.e., at B-5 Survey Park.
16. On a bare reading of the guidelines for conferment of right and title to refugee settlers, this Court is of the considered view that a displaced person in effective possession of an urban plot or a part thereof is eligible to have a deed executed in his favour. It is not in dispute that Kanai Lal Roy and Bijoya Roy satisfies the test of displaced persons and were also in effective possession of an urban plot at the time of execution of the deed.
17. The cause of action for filing the instant writ petition appears to be the Memo no. 28/ CDR/ SQC dated 12.02.2025 wherein it was stated that the Freehold Title Deed was issued in favour of Kanai Lal Roy and Smt. Bijoya Roy for E.P. No. 575 and S.P. No. 693 of Sree Colony.
18. Petitioner would refer to the earlier Memo No. 151/CDR/ SQC dated 19.12.2024 wherein it was recorded that Rabindra Nath Roy was the original plot holder and Free Hold Title Deed was issued in favour of Sri Rabindra Nath Roy and Smt. Bijoya Roy in respect of the plot in question and would contend that the plot in question was wrongly transferred to Kanai Lal Roy and Bijoya Roy.
19. This Court is not inclined to accept the contention of the petitioner that the ownership of the plot in question was wrongly transferred to Kanai Lal Roy and Bijoya Roy for the following reasons.
20. From the photocopy of the CONRIT Register of Sree Colony filed in Court it appears that the name of Rabindra Nath Roy was recorded as Plot Holder against E.P. No. 575 and S.P. No. 693 pertaining to C.S. Plot no. 804(P) but

in the remarks column it has been recorded that the plot is registered in the name of the brother and sister of the plot holder namely Kanai Lal Roy and Bijoya Roy in the year 1988 being no. 2216.

21. The certified copy of the Deed no. 2216 of the year 1988 has been annexed to the writ petition wherefrom it is evident that the Free hold Title Deed was executed on 22.07.1988 in favour of Kanai Lal Roy and Bijoya Roy in respect of E.P.No. 575 and S.P.No. 693.
22. The error which crept in the letter dated 19.12.2024 was subsequently corrected by issuing a corrigendum dated 12.02.2025. Such an error could not have conferred any right upon Rabindra Nath Roy or the petitioner herein.
23. The S.P.I.O & R.O., Kolkata District R.R. & R. office issued a letter dated 25.03.2025 to the petitioner stating that before issuing Free Hold Title deed supporting documents are routinely examined as per the practice.
24. The Government Order dated 20.04.1987 also recognized that deed can be executed in favour of eligible persons other than the allottee/arpan patra holder/regularised squatter upon compliance of certain formalities.
25. An adverse inference also cannot be drawn for non-production of No-objection Certificate from Rabindra Nath Roy for the reasons as stated hereinafter.
26. Rabindra Nath Roy died only on 27.01.1999. He did not exercise his right to have a freehold title deed in his name in respect of the plot in question nor did he challenge the execution of the deed dated 22.07.88 during his lifetime. Record reveals that Rabindra Nath Roy used to reside elsewhere and not in the plot in question. It appears from the materials on record that the name of Rabindra Nath Roy was recorded in respect of premises no. 64/8/2/441 Raipur Road in the Assessment Register of Kolkata Municipal Corporation. It is well settled that recording of name in the Assessment Register of the Kolkata Municipal Corporation are only for the purpose of

collection of tax and it cannot confer right, title and interest in an immovable property in favour of such person.

27. That apart, the petitioner has approached the Court only on 04.09.2025 whereas the deed in question was executed on 22.07.1988. In view of the facts and circumstances of the case on hand, this Court presumes that the official acts have been regularly performed and non-production of no-objection certificate of Rabindra Nath Roy by the respondent authority at such a belated stage cannot be the ground for holding that the respondent authorities acted illegally and in an arbitrary manner in executing the Free hold title deed in favour of Kanai Lal Roy and Bijoya Roy in respect of the plot in question when they were admittedly in effective possession.
28. Settlement of displaced persons in effective possession of an urban plot or a part thereof with a structure thereupon is the object behind the decision of the State Government to give freehold and permanent title deeds to the occupants of a plot. As observed hereinbefore, that the petitioner has not disputed the possession of Kanai Lal Roy and Bijoya Roy in the plot in question. Father of the petitioner was admittedly in occupation of a different plot and was residing thereat. This Court is, therefore, not inclined to interfere with the execution of the deed dated 22.07.1988 in respect of the plot in question. The writ petition is devoid of any merit and the same accordingly stands dismissed. There shall be, however, no order as to costs.
29. Urgent photostat certified copies, if applied for, be supplied to the parties upon compliance of all formalities.

(HIRANMAY BHATTACHARYYA, J.)