

## 14. CORRECTION OF FINALLY PUBLISHED R-O-Rs UNDER WBLR ACT

**GOVERNMENT OF WEST BENGAL**  
**Office of the Board of Revenue, West Bengal**  
**Section-A (1), GE Branch**

Memo No. 4508(17)-GE.  
129/83

Dated Calcutta, 19.5.1983

**To**  
**The Addl. District Magistrate (LR)/**  
**The Addl. Deputy Commissioner (LR),**

.....

**Sub : Scope of appeal u/s. 51A (5) of the Land Reforms Act.**

It has come to the notice of the Board that in some districts the A.D.Ms (LR) are entertaining appeals u/s. 51A(5) of L.R. Act in respect of record-of-rights which are yet to be finally published or where such records have been finally published, the subject matter of the appeal was not earlier against before the specially empowered officer u/s 51A(4).

To avoid wrong exercise of jurisdiction u/s. 51A(5) the scheme of section 51A has to be clearly understood. The legal provision is that the record-of-rights prepared or revised u/s. 51(3) should be draft published u/s. 51A(1). After disposal of such objections as may be filed during the period of draft publication, the record-of-rights should be finally published u/s. 51A(2). Sec. 51A(4) envisages that a Revenue Officer specially empowered may revise an entry in the finally published record-of-rights on an application filed within one year from the date of final publication. Any person aggrieved by an order passed u/s. 51A (4) may file an appeal before the Addl. District Magistrate u/s. 51A(5). The manner for filing such an appeal has been prescribed in Rule 26 of the West Bengal Land Reforms Rules.

It will, therefore, appear from the above that no appeal u/s. 51A(5) is entertainable under the law unless the subject matter of such an appeal was earlier agitated u/s.51A(4) before the Specially Empowered Revenue Officer. Entertainment of such an appeal by the A.D.M. will be without jurisdiction and therefore void ab initio.

It should, therefore, be noted that no matter relating to an entry in the R.O.Rs. or an omission therefrom, in respect of records which have been taken up for preparation u/s. 51, can come up for appeal u/s 51A(5) before the A.D.M. unless the process ending in an adjudication envisaged in Sec.51A(4) have been gone through.

It may also be mentioned that no appeal to the A.D.M. lies u/s 51A(5) in respect of an entry made in the record-of-rights u/s 50 of W.B.L.R. Act. The legal remedy in such cases lies in an appeal u/s 54 ibid.

The legal position as explained above should be clearly understood before an appeal u/s 51A(5) of W.B.L.R. Act is entertained.

A. K. Chakraborti  
Special Officer & (ex-officio) Secretary  
Board of Revenue, West Bengal.

**Government of West Bengal  
Director of Land Records & Surveys  
And Jt. Land Reforms Commissioner, West Bengal  
35, Gopal Nagar Road, Alipur, Kolkata-700027.**

No.11/3863/C/95

Dated Calcutta, the 11<sup>th</sup> October, 1995.

**To  
The District Land and Land Reforms Officer,  
South 24 Parganas.**

**Sub : Mode of correction of RORs in respect of the matters  
which took place before F.P.**

In inviting a reference to his office memo no.21/10555/P/93 dated 9.6.95 on the above mentioned subject, this is to inform him that there is no scope to correct the finally published RORs at any point of time beyond 3 years which involves incidences prior to F.P.

To overcome such problem, the Govt. has recently been moved to extend the time limit of suo-moto correction of RORs under this Directorate memo No.11/3488/C/95 dated 6.9.95. Decision of Govt. is awaited.

Hence the matter may be kept pending till receipt of such order from the Govt.

M.K. SARKAR  
FOR DIRECTOR OF LAND RECORDS  
AND SURVEYS AND JOINT LAND REFORMS  
COMMISSIONER, WEST BENGAL.

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**GOVERNMENT OF WEST BENGAL  
OFFICE OF THE DIRECTOR OF LAND RECORDS & SURVEYS AND  
JOINT LAND REFORMS COMMISSIONER WEST BENGAL  
35, GOPALNAGAR ROAD, ALIPORE, KOLKATA-27.**

Memo No.45/5965/C/95 Pt.

Dated, Alipore, the 10<sup>th</sup> November, 2004.

**To  
THE DISTRICT LAND & LAND REFORMS OFFICER  
HOWRAH.**

**Sub : Correction of record in finally published Mouzas**

Ref : His memo no. S/203/2003/2436/LR dtd. 30.08.04.

With reference to the above, this is to inform him that the date on which a mouza is declared as finally published is very important, any events after that date should not be incorporated in the application or disposal of application u/s 51A(4). All such events made after the date of final publication should be dealt u/s 50 of the WBLR Act, 1955 for maintenance and continuous updation of RORs. If any incident or event has been left out only in the stage of preparation of RORs and some correction of RORs is felt necessary only then the necessary correction by the BL&LRO may be allowed u/s 51A(4) suo-moto of course with prior permission of the DL&LRO. Hence he is requested to react accordingly on the above-noted subject.

D.K. CHAUDHURI  
DIRECTOR OF LAND RECORDS & SURVEYS AND  
JT. LAND REFORMS COMMISSIONER WEST BENGAL

Memo No.45/5966-84/C/95 (Pt)

Dated, Alipore, the 10<sup>th</sup> November, 2004.

Copy forwarded to:

- 1) DISTRICT LAND & LAND REFORMS OFFICER ..... For Guidance.

D.K. CHAUDHURI  
DIRECTOR OF LAND RECORDS & SURVEYS AND  
JT. LAND REFORMS COMMISSIONER, WEST BENGAL

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**GOVERNMENT OF WEST BENGAL**  
**Office of the Director of Land Records & Surveys and**  
**Jt. Land Reforms Commissioner, West Bengal.**  
**35, Gopalnagar Road, Alipore, Kolkata - 700 027**

Memo No. 45/3638-55/C/95Pt

Dated, Alipore, the 15<sup>th</sup> September, 2006

From : Director of Land Records & Surveys and  
Joint Land Reforms Commissioner, W.B.

**To**

**District Land & Land Reforms Officer,**  
**Howrah/Hugli/North 24-Parganas/South 24-Parganas**  
**Burdwan/Jalpaiguri/Darjeeling/Paschim Medinipur/**  
**Bankura/Birbhum/Nadia/Koochbehar/Murshidabad/**  
**Purulia/Uttar Dinajpur/Dakshin Dinajpur/Malda/Purba Medinipur.**

**Sub : Clarification u/s 51A(4) of the West Bengal Land Reforms Act, 1955.**

Section 51A(4) of the West Bengal Land Reforms Act, 1955 contains - "An officer specially empowered by the State Government may, on application within one year, or on his own motion [within twenty-five years], from the date of publication of the record-of-rights under sub-section (2), revise an entry in the record finally published in accordance with the provisions of sub-section (2) after the persons interested are given an opportunity of being heard and after recording reasons thereof."

In this regard it is clarified that the words "on his own motion" shall mean that the officer specially empowered by the state Government may initiate mutation proceeding under the above section on his own on receipt of information by his own sources or from other sources which may include applications filed by the materially interested parties.

It is further mentioned here that Revenue Officers and other senior officers have already been empowered by the State Government vide. G.O. No. 11268-4E/146/89 dated 10.12.1990 and No. 3434-GE dated 04.04.1989 respectively.

The above clarification is issued with the concurrence of the Land & Land Reforms Department.

B. P. Gopalika  
Director of Land Records & Surveys and  
Jt. Land Reforms Commissioner, W.B.

Memo No. 45/3656-78/C/95 Pt

Dated, Alipore, the 15<sup>th</sup> September, 2006.

Copy forwarded to :

1. Principal Secretary to the Govt. of W.B., L&LR Deptt. and LRC for kind information.
2. Joint Secretary to the Govt. of West Bengal, L&LR Deptt. for information.
3. Private Secretary to MIC, L&LR Deptt. for MIC's kind information.
- 4-21 District Magistrate and Collector (all) for information and taking necessary action.
22. Deputy Director (all) and Assistant Director (all) of this Dte. for information.
23. O/C, Library, O/C, RM and 'C' Group.

B. P. Gopalika  
Director of Land Records & Surveys and  
Jt. Land Reforms Commissioner, W.B.

<http://wbllroa.in>