

## 17. CORRECTION OF RECORD-OF-RIGHTS AS PER COURT'S ORDER

### Land Utilisation and Reforms and Land and Land Revenue Department Land Reforms Branch

No.993-L. Ref.

Dated Calcutta, the 5<sup>th</sup> March, 1979.

From : Sri S.K. Bhattacharyya,  
Dy. Secy. to the Govt. of West Bengal.

**To**  
**The Settlement Officer, Medinipur.**

**Sub : Correction of the settlement record-of-rights prepared under the provisions of the Estates Acquisition Act in cases where decrees from Civil Courts are obtained by land-owners for declaration of title.**

Sir,

With reference to your d.o. letter No.97/G-27/78 addressed to Shri L.N. Ray, Special Officer (Law) and (ex-officio) Joint Secretary of this Department, I am directed to furnish below the opinion given by him on the points raised therein:

1. Decrees of Civil Suits shall be ignored, if the State of West Bengal duly represented according to the Civil Procedure Code was not made a party.
2. Such decrees should also be ignored where the State of West Bengal was simply made a proforma defendant, as distinct from principal defendant. Reliefs are not claimed against proforma defendants who are, therefore, not bound by decrees granted in such suits.
3. Normally decrees obtained in suits where the State of West Bengal duly represented according to the Civil Procedure Code was made a principal defendant is binding. But I do not think, there is any compulsion on the part of the Settlement Authority to correct the record-of-rights in accordance with the decree, unless there is a specific mandatory injunction to that effect. Where there is a mandatory injunction directing correction of record-of-rights in a particular way, then also the decree-holder can compel correction by means of execution of the decree, the Settlement Authority has no duty to comply with the decree in connection with correction of record-of-rights.
4. The question of overriding effect of a title suit decree over the provisions of Estates Acquisition Act does not actually arise. Undoubtedly the provisions of a law, unless struck down by a competent Court, shall be followed not only by the Government and the authorities but also by the Courts. But application of provisions of the law is always variable in the context of fact and circumstances of each particular case. A Civil Court is usually called upon to adjudge on this point, namely, application of the provisions to a particular case and the judgement given by the Court unless set aside by a superior Court, is binding on the parties to the suit.

Yours faithfully,  
S.K. Bhattacharyya,  
Dy. Secretary to the Govt. of W. Bengal.

**GOVERNMENT OF WEST BENGAL**  
**Office of the Settlement Officer, 24-Parganas,**  
**35, Gopal Nagar Road, Calcutta-27**

**CIRCULAR**

**To**  
**The Charge Officer-I/II/III/IV,**  
**The Officer-in-Charge, 'C' Camp/'B' Camp/'A-I' Camp,**  
**The Circle Officer,**  
**The Officer-in-Charge, Centralised Halka Camp,**  
**The Halka Officer,**

**Subject :       Correction of Record-of-rights leading to divesting of vested lands consequent to Court's Orders in Civil Suits.**

You are already in possession of the order of the Special officer (Law) & Joint Secretary (Ex-Officio) in which he advised that no revision of the Record-of-rights finally published under the Estate Acquisition Act need be made pursuant to an order and decree passed in a title suit unless there is a specific order by the Court for such revision or if the decree has not been executed by the Court. As we understand, all our Officers are meticulously following this order in the cases where such revision of records would end in divesting of vested lands or abnormal increase in compensation amount.

But, during the past few months we have had an experience of a new phenomenon which has become a matter of great concern to us. Being failed in their attempts in having the finally published records revised in their favour in terms of the decrees passed in the Civil Suits, the parties are moving the Hon'ble High Court under Article 226 of the Constitution and obtaining specific order directing the Revenue Officers to revise records in terms of the orders and decrees passed in the Civil Suits. In fact, such Civil Rules are coming like avalanches.

The problem created by the orders passed by the Hon'ble High Court as aforesaid has been posing more serious danger in view of the fact that these are likely to set at naught the fruits of years of time and labour spent for vesting the surplus lands in the State and would make it all the more difficult to implement the provisions of the West Bengal Land Reforms (2<sup>nd</sup> Amendment) Act, 1981.

In quite a number of such cases we moved the Learned Legal Remembrancer for filing appeals against the orders passed by the Hon'ble High Court but to date, we have received no response. Our ground for proposal for filing the appeal was that the petitioners had no right to abuse the Article 226 of the Constitution for obtaining the execution of the decrees through the back-door.

In our frantic search for a legal answer to the situation as aforesaid we have fortunately come across two Rulings, one by the Privy Council and the other by the Madras High Court as annexed separately, both of which held execution of a decree being an essential part of a procedure laid down in the Civil Procedure Code, this has to be enforced by the Court of first instance which passed the decree.

Now, we verily hope that our counsels in the High Courts would make good use of these two Rulings and strongly oppose those Writ petitions which seek revision of records on the basis of decrees not yet executed.

All the Officers of this operation also should take good care of these two Rulings and when they would be faced with an application for revision of R-O-Rs, on the basis of unexecuted decree, they should cite these two Rulings and pass orders in accordance with law. They should also do it well to remember that the limitation for filing an application for execution of a decree is 3 years only.

It is also impressed on all Officers that the Writ applications seeking revision of R-O-Rs, on the basis of unexecuted decrees should be dealt with very promptly and steps should be taken with the assistance of the Civil Suit Cell to vigorously contest these matters and also to file appeals in time in the event of an adverse order from the Writ Court. We should also request our counsels at the High Court to appreciate the

importance of these matters in the perspective of land reforms measures. Their notice should be invited to the aforesaid two Rulings by mentioning them in the statement of facts as well as verbally at the time of briefing.

Queries, if any, on the subject are welcome and will be answered in the quickest possible time.

P. Bandyopadhyay  
Settlement Officer,  
24-Parganas

Memo No.288/25841-48/R/83

Dated, Alipore, 8.8.83

Copy forwarded to :

1. Learned Additional Advocate General, West Bengal at High Court for favour of information and necessary action. Sufficient copies of this Circular are being sent herewith for favour of circulation among the State Councils in the land panel.
2. Learned Legal Remembrancer, West Bengal.
3. Land Reforms Commissioner, West Bengal.
4. Special Officer (Law) & Joint Secretary (Ex-Officio), L. & L.R. Department for favour of his information and necessary action.
5. Director of Land Records & Surveys, West Bengal for favour of his information. 25 copies of this circular are being annexed.
6. Head Quarter Revenue Officer, Settlement Office, 24-Parganas.
7. Technical Adviser, Settlement Office, 24-Parganas for information.

P. Bandyopadhyay  
Settlement Officer,  
24-Parganas.

#### THE RULINGS AS CITED ABOVE

1. If every decree-holder could proceed by regular suit to enforce his decree, all the provisions of C.P.C., in regard to executions of the decree would be of no avail. But it is evident to the Court that when the legislature has prescribed a particular mode of enforcing a right created by a decree the possessor of that right is bound to follow the procedure prescribed and no other. [Mirza Mohammad Aga Ali Khan Bahadur-Vs-The widow of Balmukund reported in Law Reports, Indian Appeals (31-A.241)].

2. Every decree whether it be of the Court of first instance or of a Court of first appeal or of the High Court or of the Privy Council is to be executed by the Court of first instance which passed the decree. [Krishna-Vs-Raja (38M 832)]

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**SECRET :**

**Copy of Memo No.512/1049-56/CS/79**

**dated the 1<sup>st</sup> October, 1983**

From : The Director of Land Records and Surveys, West Bengal,

**To**

**The Settlement Officer, 24-Parganas,**

It is well-known that many big raiyats are trying to circumvent the provisions of Sec.6(5) of the WBEA Act by getting orders in Title Suits which have the effect of divesting of vested lands. As these orders are now being closely scrutinized in terms of guidelines laid down by Government before correction of R-O-Rs, these persons are taking recourse to another stratagem.

The petitioners are obtaining Civil orders on the basis of petitions under article 226 for correction of R-O-Rs in terms of decrees of Title Suits. In some of the orders there are also specific time limits for correction. Unfortunately, we have not always been able to represent our case thoroughly before the Hon'ble High Court and so some of the orders are technically difficult or impossible to implement. In such cases, it is the duty of the Revenue Officer

concerned to state the difficulties clearly in the order-sheet and to suggest the Settlement Officer for moving the Hon'ble Court again for a suitable modification of the orders in view of the practical difficulties. If this is done, there may be no risk of the officer be held guilty of contempt of court, as he is trying his best to obtain clear instructions from the Hon'ble Court for an effective implementation of the orders.

In some cases, there has been an order to correct records framed under the WBEA Act to incorporate some post vesting transfers. In some other cases, correction cannot be made as C.A. Rolls incorporating the vested interests concerned have been finally published and paid-up. No correction u/s 22 being possible due to the roll being paid-up, any correction of the records would, in such cases, go against Sec.20(1) of the WBEA Act. These are some examples of the technical difficulties that may crop up. As said earlier, in such cases, the difficulties should be clearly spelt out in the order-sheet and the attention of the Hon'ble Courts should be drawn to the difficulties expeditiously.

In this connection, copies of two circulars issued by Settlement Officers, Medinipur & 24-Parganas, are enclosed. It is reiterated that it is our duty to point out to the Court any legal difficulties and to seek guidance from it. It is not proper to correct records hurriedly and incorrectly without making proper submission before the court.

K.P. Sandilya  
For Director of Land Records & Surveys

**Copy of the notes and order in file No.G-29 (General)/82**

There have been a series of High Court's civil orders on the basis of the petition under Article 226 for the correction of R-O-Rs. In some of these orders there are also specific time limits and as such our officers are apprehending contempt rules against them for violation of Hon'ble Courts orders, if these are not complied with within the specified time limit.

But this Department is in a great confusion on the face of such Record correction orders, as this will result to large scale divesting, if such orders are carried out without considering and examining all the past case records as most of those lands now under dispute were vested either in 6(1)/5A or 44(2a) proceedings. Hence discussed the matter with the Ld. A.A.G. and after my submission of those points Mrs. M. Gupta told me that apprehending those difficulties the Ld. A.A.G. had already instructed all the panel pleaders to the effect that the panel Pleaders (S/A) shall not agree to any Civil Order for correction of R-O-Rs. out right and the Hon'ble Court shall ordinarily orders to consider and dispose of the applications of the petitioners for correction of R-O-Rs. Hence where large scale divesting is made by such compliance of Hon'ble High Court's order or where correction of R-O-Rs is not possible for the reason that (i) it has come up from a non-execution of T.S. decree and the State is not a party in the said T.S. or (ii) where C.A. Rolls payment has been made or (iii) where lands are in some other's possession other than the petitioner or the State (i.e. to third parties by Raiyati Patta etc.) or (iv) where the Hon'ble Court's order is contradictory to some previous findings of any Tribunal appeal under Section 44(3)/5A (6) or (v) where the correction is post vesting i.e. after 14.4.56 and should be carried out in L.R. Camps under Section 51 then the R.O. should open an order sheet, write and discuss those points and difficulties in his order sheets and conclude in his order sheet that "in view of those technical anomalies, the State Advocate may be informed to take suitable action by lodging a prayer to the Hon'ble Court for amendment of the order dated ..... Let the case records be put up after information is received from the State Advocate, engaged in this Civil Rule."

Mrs. Gupta told me that all the cases of these types (i.e. where there are anomalies in carrying out the orders) the Hon'ble Courts should be moved through the State Advocate for Modification/Amendments of the order. She also told that there should be no contempt if the court is moved in this way and the R.O. records the facts of his difficulties in the order sheet with the remarks that the State Advocate should be contacted for mentioning before the Hon'le Court.

In the matter of compliance of the order of Tribunal court under Section 44(3)/5A(6), we are however supposed to obey the order unless we prefer a second appeal to the proper court.

We may perhaps send an instruction to all the Camps as above in continuation to our previous direction.

Placed to Settlement Officer for the favour of necessary orders.

T. Banerjee  
Addl. O.C.C.S.  
24.12.82

Seen. A copy of this note may be circulated among the officers concerned confidentially. D.L.R.& S. may also be given a copy. In the letter forwarding the note to the Camp Officers, it may be added that Settlement Officer should be moved in case of any difficulty in a particular case.

K.P. Sandilya  
Settlement Officer, Medinipur  
29.12.82

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**Government of West Bengal  
Land and Land Reforms Department  
Land Reforms Branch**

Memo No.63 (28)-L. Ref.

Calcutta, the 21<sup>st</sup> January, 1985.

**To**

**The Collector.....**

**The Settlement Officer.....**

**The Director of Land Records and Surveys, West Bengal,  
35, Gopal Nagar Road, Alipore.**

**The Commissioner of .....**

**The Board of Revenue, West Bengal**

**Sub : Correction of record-of-rights prepared under the provisions of West Bengal Estates Acquisition Act in cases where decrees from Civil Courts are obtained by landowners for declaration of title.**

Ref : This Deptt. Endt. No.993/1(29)-L Ref. Dated 5.3.79 and No.3190/1(23)-L. Ref. Dated 23.11.81.

A proposal for modification of the orders issued in the abovementioned letter had been under the consideration of the Government for sometime past. In consideration of the difficulties experienced by the Settlement Officers in implementing the orders of different Courts it has been decided that the instructions on the subject be modified to the extent indicated in the following paragraphs.

2. In respect of suits in which the Government was not a party, the instructions for ignoring the decrees may continue for the present, until there is any specific direction by any Court to correct the record-of rights on the basis of the decree. Similar will be the position in respect of those suits in which Government was only a proforma defendant and no relief was sought against Government. It may, however, be noted that the decision about implementing the orders of Courts in such cases should be taken by the Settlement Officer only.

3. Decrees, in respect of which the State Government was impleaded as a principal defendant, are undoubtedly binding upon the Government. In some of these decrees there may be directions in the form of injunction or otherwise upon the Government to correct the record-of-rights. Execution of the decree in such a case may not be insisted upon. Correction of records may be made on the basis of the decree.

4. (i) In some decrees, though the Government was a principal defendant, there was no direction for correction of record-of-rights. In such cases no obligation seems to arise from the judgements themselves to correct the record-of-rights. If any application is made by the party to give effect to the decree, in a case like this, he may be referred to the next settlement operation pointing out the provisions of the Act in this respect. If, however, there is any order of the High Court or any superior court to give effect to the decree in question by necessary correction in the record-of-rights, the same should be complied with.

4. (ii) The period of limitation for correction of record-of-rights on the basis of application by a party is nine months which remains the same. The period of limitation for correction by such suo moto proceedings is being extended from time to time and such suo moto proceedings are still permissible. In view of this position the decrees in which there is no direction upon the Government for correction of record-of-rights may be classified into two groups. Some of these judgements may reveal that there was admitted/undisputed mistake on the part of the Government machinery in the preparation of record-of-rights, which has only been rectified or declared wrong by the decree. If these judgements reflect the true state of affairs, correction may be made by suo moto proceedings taking notice of the judgement as a source of information, independently of whether the State was made a party in the case or not. But some other judgements may show that the record-of-rights as prepared by the Government machinery was correct, but the party somehow obtained the judgements, which the Government could not contest in time or was not properly represented. In respect of these judgements there cannot be correction at this stage on the application of the party and question of suo moto proceedings for correction will not arise unless there is a specific direction to that effect from the Court.

5. In this connection, it is pointed out that before compliance of the decree or order of the Court for correction of record-of-rights each individual case should be thoroughly scrutinised. In these cases where interest of the Government will be found to have the higher court for redress instead of giving effect to the same straightway. Where the Government is a principal defendant, the orders may be implemented after exhausting all legal remedies. Decision in this behalf should also be taken by the Settlement Officer only.

6. Except in cases where the Settlement Officers themselves are required to take decisions as mentioned above, implementation will be done after obtaining the decision of the Charge Officer.

Sd/- Illegible  
Deputy Secretary to the  
Government of West Bengal

**Copy of Memo No. 596/559-566/CS/72 Dt. 10.07.86 from the D.L.R. & S., West Bengal addressed to the Settlement Officer, .....**

**Subject : Correction of R-O-Rs in terms of High Court's orders.**

Very often, orders from the Hon'ble High Court are received which have the effect of divesting of land. In many such cases, the State could not properly place its case before the Hon'ble Court due to various circumstances. Most often a decree in a civil suit is obtained by impleading the Collector only. Thereafter, in the absence of the State or with the State Advocate wrongly assenting, a civil order is obtained from the Hon'ble High Court to the effect with the results of the decree should be incorporated in the records. While the orders of the High Court cannot be disobeyed unless there is a chance to file an appeal or a revision petition, Revenue Officers are experiencing various difficulties in correcting the Record of Rights according to the orders of the Hon'ble Court. In such cases, such difficulties should be clearly mentioned in the order sheet and further instruction of the Hon'ble Court should be sought through the State Advocates. Most of these matters have been discussed in previous communications by the Directorate. But for convenience, some of them are listed below.

1) In some cases, unknown to the various courts involved the land was distributed either wholly or in part before the decree in the Suit, but the Pattadars were not made parties in the suit. In such cases, it is not possible to enforce the court orders against the Pattadars. This should be mentioned in the order-sheet and pointed out to the Hon'ble Court through the State Advocate by a reference.

- II) In some cases, the Hon'ble Court, while setting aside the order of the Revenue Officer, gives the petitioner liberty to file a petition within a certain date. If the petitioner does not file the petition within the date fixed, the Revenue Officer is obviously at liberty to take up the case again and pass such orders as may be deemed fit without any further reference to either the petitioner or the Court.
- III) In some cases, interested parties like Sanja tenants and Bargadars were not made parties to any of the court proceedings. As divesting vitally affects their interest, it is legally difficult to enforce the orders to the detriment of these persons. In such cases also, the difficulties should be clearly mentioned in the order sheet and attention of the Hon'ble Court drawn for further instructions through the State Advocate.
- IV) Section 21 and Sub-Section 2 of the West Bengal Estates Acquisition Act provides that the publication of the compensation assessment roll implies that every entry in such roll so finally published shall, subject to any modification by any order on appeal under section 20 or on revision under Section 22 be conclusive evidence of the matters referred to any such entry. Again, appeal under Section 20, has to be filed within 90 days from the date of final publication and relief under section 22 is not available after payment of compensation. Thus, where the compensation has been paid either wholly or in part, it is not possible to correct any entry in the Record-of-Rights which has been referred to in the Compensation Assessment Roll. In such cases also the attention of the Hon'ble Court should be drawn to these difficulties through the State Advocate.
- V) In some cases the lower court has, while passing an order, relied on a decision which has since been over-ruled. We got no opportunity to point this out before the Hon'ble Court due to the fault of our advocate or otherwise. In such cases, the order of the Hon'ble Court should be carried out but the case should be subsequently re-opened and reviewed on the basis of the latest ruling.
- VI) The amended section 14T of the West Bengal Land Reforms Act gives the Revenue Officer wide powers of review in respect of cases decided even by the Hon'ble Court. In such matters, the court order should be carried out and then the matter should be reviewed under the amended section 14T of the West Bengal Land Reforms Act.
- VII) These are but illustrative of the various difficulties that may arise. There may be other difficulties also. In case of confusion, full facts should be reported to the Directorate for further advice.

T. K. Ghosh  
Director of Land Records & Surveys,  
West Bengal.

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**GOVERNMENT OF WEST BENGAL**  
**Office of the Director of Land Records and Surveys and**  
**Joint Land Reforms Commissioner, West Bengal,**  
**35, Gopalnagar Road, Alipore, Calcutta – 700027.**

**CIRCULAR**

Memo. No.6/505/C/92

Dated, Alipore, the 18<sup>th</sup> Feb. '94.

It is painful to note that due to utter negligence in taking follow up action in time on the orders passed by the Hon'ble High Court, State interest is jeopardised in most of the vesting related cases Viz. Notices are not generally issued to the Writ petitioners timely and formal proceedings are not started by the concerned officers. Even in some cases it has been observed that the order passed by the Hon'ble High Court has been remained unattended. This is deplorable on the part of administration.

In most of the cases, we face contempt and situation of divesting arises not for fault in proceeding but for in-ordinate delay in disposing of the proceeding within the time schedule as directed by the Hon'ble Court.

It is needless to mention that one of the major components in Land Reforms work is vesting of land and if divesting is made due to our negligence it will be detrimental to the State interest and this Directorate will have to be answerable before the appropriate authorities. A good number of Circulars/G.O.s containing instructions have issued from time to time, but nothing is followed strictly in most of the districts, resulting divestment of huge quantum of lands already vested to the state.

Hence, it is, reiterated that all instructions issued previously in this respect should be followed strictly to safeguard the state interest.

Apart from that for the following reasons any proceeding can be reviewed under Section 151 C.P.C.

1. Error apparent
2. Miscarriage of justice
3. Non-joinder of materially interested parties.
4. Coming in of new facts.

Now Sec. 151 C.P.C. reads as follows :

“Nothing in this code shall be deemed to limit or otherwise affect the interest, power of the Govt. to make such orders as may be necessary for the ends of justice or to prevent abuse of the process of the Court”.

In terms of Notification No.340-L. Ref. Dated 9<sup>th</sup> January, 1958 published in the Calcutta Gazette dated 16.1.58, all officers with the additional designation of Settlement Officer or Asst. Settlement Officer are empowered under Section 57A of the W.B.E.A. Act, 1953 and invoking power u/s. 57A the impugned proceedings can be drawn and disposed of u/s 151 C.P.C. on the grounds stated earlier.

It is, therefore instructed that all such cases should be scrutinized maticulously from all essential bearings and for the grounds stated above, fresh proceedings should be initiated under Section 57A of the W.B.E.A. Act. 1953 read with Section 151 C.P.C. for restoration of the vesting.

Erroneously disposed of suo-moto cases u/s. 44(2a) of the W.B.E.A. Act can also be taken up and reviewed accordingly.

In case of any ambiguity/problems the concerned officer should consult the office of this Directorate.

P. Bandyopadhyay  
Director of Land Records and Surveys  
& Jt. Land Reforms Commissioner, West Bengal

Memo. No.6/506-1403/C/92

Dated, the 18<sup>th</sup> Feb. '94.

Copy forwarded to:

1. Sri.....  
District Land & Land Reforms Officer

He is requested kindly to ensure that the above instructions are followed strictly and deviation if any will be viewed seriously. Extra copies meant for the S.D.L.L.R.Os./Dy. D.L.L.R.Os./B.L.L.R.Os./S.R.Os.-II are enclosed for wide circulation and compliance.

4. Sri.....
5. Civil Suit Cell

Sd/ - Illegible  
For Director of Land Records and Surveys  
and Jt. Land Reforms Commissioner, West Bengal.



**OFFICE OF THE DIST. LAND & LAND REFORMS OFFICER,  
HOOGHLY**

**CIRCULAR**

Memo No.30(M) C/1069/S/2000

Dated, Hooghly 02.08.2000.

Certain confusions are still persisting among the field level functionaries as to how decrees passed in Title Suits and Title appeals be acted upon for correction of R-O-Rs. After careful consideration of the matter it has been decided that in a suit between the private parties outright correction be made on the strength of decree if the decree holder is in possession. If the land is lying fallow or if not possessed by any of the parties or if involved in a case u/s 145 Cr.P.C. correction may be done in favour of the decree holder. If the opposite party is in possession but does not object to the intended correction on the strength of decree, correction may be effected without insisting on the execution of decree by the decree holder. If the suit land is under exclusive possession of the opposite party raising objection to correction, execution should be insisted upon. The above condition should be followed without any regard being made as to whether Govt. was made a party or not, if the Govt. interest is not at all involved.

On the other hand if Govt. interest is involved in Title suit, Title Appeal and such interest is likely to be affected, correction on the strength of decree should not be entertained if Govt. is not made a party. If Govt. is made a party even in that case no correction be affected without prior approval of the Dist. Land & Land Reforms Officer. All such proposals should be sent to the office of DLLRO with comments of the concerned B.L. & L.R.O/S.D.L. & L.R.O.

Correction on merit of the case may be made at any stage u/s 51 of the WBLR Act, or u/s 50 (f) dependindg on whether the records are finally published or not.

All concerned should strictly adhere to this circular.

Sd/- Illegible  
Dist. Land & Land Reforms Officer,  
Hooghly

Memo. No.30(M) c/1065(40)/S/2000/

Dated, Hooghly 02.08.2000.

Copy forwarded for favour of information to:-

- 1) The Divisional Commissioner, Burdwan Division.
- 2) The D.L. R &S and Jt. L.R.C, West Bengal
- 3) The Dist. Magistrate and Collector, Hooghly
- 4) The S.D.L & L.R.O.....
- 5) The B.L.&L.R.O.....
- 6) All officer-in-charge of the Hqr.

Sd/- Illegible  
Dist. Land & Land Reforms Officer,  
Hooghly.

**GOVERNMENT OF WEST BENGAL  
OFFICE OF THE DIRECTOR OF LAND RECORDS AND SURVEYS  
AND JOINT LAND REFORMS COMMISSIONER, WEST BENGAL  
35, GOPAL NAGAR ROAD, ALIPORE, CALCUTTA – 700027.**

Memo. No.8/5739/C/2000

Dated, Alipore, the 25<sup>th</sup> September, 2000

**The District Land & Land Reforms Officer,  
Hugli.**

**Sub : Correction of R.O.Rs. as per decrees passed in Title Suits/Title Appeals.**

Ref : His Office Memo No.30(M)C/1065/S/2000 dated 2.8.2000 on the above mentioned subject.

It appears that there are many apparently innocent types of cases where the Government was not made a party. But if the cases are examined minutely, it could be found that the State interest is greatly involved. A few examples are mentioned below for better application.

- 1) There are many partition suits filed after 5.5.53 where a date prior to 5.5.53 has been referred to, showing that there was an unregistered partition. Many Mitakshara families evaded ceiling by dint of a Court decree between 5.5.53 and date of vesting.
- 2) Similar cases of declaration of titles by post vesting purchasers are seen where Government was not made a party.

So, in case of each and every order or decree passed in such cases, the quantum of land affected by that order or decree and whether such land belongs to a B/R under E.A. Act or L.R. Act should be ascertained first. If it involves large quantum of land or it relates to any land of any big riyat, special care should be taken in tamilling of order(s) passed in any such Title Suit or Title Appeal where State was not made a party.

He is, therefore, requested to kindly look into the matter and issue necessary guidelines so that the instant circular issued by him must be read with the Circular No.63(28)L.Ref. dated 21.1.85 issued by Land & Land Reforms Department (Copy enclosed) and all tamilling cases should be brought to his notice by the BL&LRO for a thorough study and examination before taking any action in the matter.

This may be treated as urgent.

S. SURESH KUMAR  
Director of Land Records & Surveys  
And Joint Land Reforms Commissioner  
West Bengal