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[Signature]

**Government of West Bengal**  
**Office of the Director of Land Records and Surveys**  
**& Jt. Land Reforms Commissioner, West Bengal.**  
35, Gopal Nagar Road, Alipore, Kolkata – 700027

Memo no. 17/ 864 /C/23

Dated, Alipore, the 2nd June, 2023

To

The Additional District Magistrate &  
District Land & Land Reforms Officer,  
Paschim Medinipur

Sub: Issue regarding guidelines in respect of Omission of অনুমতি দং  
(Permissive Possession) & other possessions from remarks column.

It is fact that the right of a raiyat to transfer his holding or part thereof has been recognized under Sub-sections (1) of section 5 of WBLR Act, but the instrument of transfer must be registered. Any person noted in the 23<sup>rd</sup> column as অনুমতি দং (Permissive Possession) without having any kind of valid registered instrument does not fulfil the terms of Section 5(1) of the WBLR Act.

In case of transfer made otherwise than by registered instrument would therefore convey no title and that type of cases were recorded against the plot concerned in column of the khatian below the name of the raiyat as "Permissive Possession". In this context, the spirit of the circular, issued by

(i) This Dte. vide memo no. 27/244/C/09, dtd. 27/01/2010

(ii) A general order of this Dte. being memo no. 57/2785-2802/C/98, dtd 16/11/1998 and

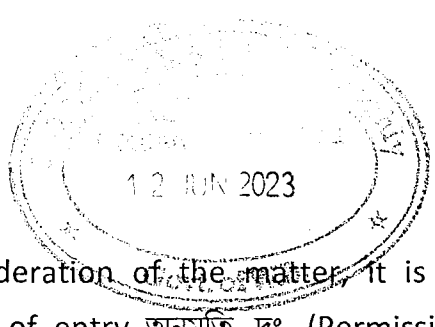
(iii) being the memo no. XV/20( C ) 8283/80, dtd. 11/11/1980, of Settlement Officer, Malda, may be followed.

Recently reports are coming from various blocks as well as district levels that these type of entries in computerized database are creating disputes since mutations are being allowed in many occasions along with the noting of permissive possessors which contradicts the very issue of possession.

Sl. No. 9236  
Date 12/6/23  
File Serial No.  
Register No.


WTL/LR/085

S. Ghosh  
U.D.C.  
circulate.  
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After careful consideration of the matter, it is advised that such type of applications regarding omission of entry অনুমতি দং (Permissive Possession) in 23<sup>rd</sup> column (remarks column) of the record of rights should be dealt with regard to field level reality in terms of possession and may only be omitted if such recorded possessor is not found in actual possession. But these types of cases have to be disposed of by drawing up a suitable proceeding, considering the stage of recording of the mouza. The empowered officer at the same time has to be satisfied with the fact that there prevails undisputed possession of the applicant.

The applications praying for omission of other types of possessors like জোর দং, বে-আইনি দং, বিনা অনুমতি দং having no registered conveyances or any other valid and acceptable documents are to be dealt with in the same manner.

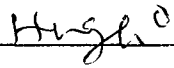
  
Director of Land Records and Surveys  
and Joint Land Reforms commissioner,  
West bengal


Memo no. 17/ 865 - 886 /C/23

Dated, Alipore, the 2<sup>nd</sup> June, 2023

Copy forwarded for information and necessary action to

District Land and Land Reforms Officer (all)

  
\_\_\_\_\_

  
Director of Land Records and Surveys  
and Joint Land Reforms commissioner,  
West bengal

Sl. No. ....  
Collection .....  
File No. ....  
Date .....  
Responsible Officer .....

**CIRCULAR**

It appears that in many cases land schedule of the land acquired under provisions of the Urban Land (Ceiling & Regulation) Act, 1976 are not being sent to the concerned B.L & L.R.O./S.D.L & L.R.O./D.L & L.R.O. by the competent authority under the said Act & therefore such land continues to be showing in private khatian in R.S./L.R. record. This is highly irregular. In order to avoid such irregularity all competent authorities have already been instructed to send the land schedule to concerned B.L & L.R.O./S.D.L & L.R.O./D.L & L.R.O. as soon as the proceedings are completed for proper recording in the concerned R.S./L.R. khatian to that effect positively.

It is therefore suggested that in case of acquisition of land under the provision of U.L.(C & R) Act, 1976 the following procedure should be followed for proper recording in the respective R.S./L.R. khatian apart from the recording in the corresponding Registers.

1. In case where all land under a khatian is acquired under the provisions of U.L.(C & R) Act, 1976, on entry should be made on the front page of the khatian — “অত্র খতিয়ানের সমুদায় জমি সরকার কর্তৃক আরবান ল্যান্ড সিলিং (রেগুলেশন অ্যান্ড কন্ট্রোল) অ্যাক্ট, ১৯৭৬ এর ..... নং কেসমূলে অধিগৃহীত। হস্তান্তর নিষিদ্ধ”।
2. In case where a part plot or a plot of khatian is acquired the same entry may be made in remarks Column against the plot. In case of part of a plot an additional entry “..... নং দাগের ..... একর ..... শতক জমি অধিগৃহীত” should be made against the plot.

P. Bandyopadhyay  
D.L.R & S.; West Bengal.

**From D.L.R & S.; West Bengal**

Memo No. 45/2387-414/ C/ 95 Dtd.: Alipore the 24th Sept., 1998.

**Subject :- Continuous updating of land records.**

**General Instructions.**

It has been observed that huge number of applications for correction of records u/s 50 of the W.B.L.R. Act are either pending for disposal or rejected on the ground that the incidence occurred prior to the date of final publication of the records for the particular mouza and the parties did not raise the issue at the suitable stages. This is primarily because of misconception in the minds of the field Officers relating to the provisions of the Act.

The issue is being raised by the D.L & L.R.O.s from the various districts for some time past. The matter is examined at the Directorate. Section 50 A

of the W.B.L.R. Act lays down that “Section 50 shall not apply to any district or part of a district where Chapter VII A has come into force.” In other words, updation of records will not be taken up when general scheme of revision or preparation of records has been taken up in any area. This is simply to avoid duplication of labour, particularly when the work u/s 50 and under the Chapter VII A of the Act was being carried out by two distinctly separate organisation on 1981 when the Section 50 A was inserted in the Act. The said Section 50 A also provides that Section 50 will be operative after the final publication of the records for any area. There is nothing in the Act to bar correction of record under Section 50 of the Act on the basis of any incidence which occurred during the period between the date of Chapter VII A coming into force in any particular area and the date of final publication of records of any mouza. The proviso u/s 50A amply clarifies the intention of the law.

Maintenance of a set of records for all the villages within the State is one of our primary responsibility and the records should reflect the ground reality at all points of time. It is thus mandatory on our part to prepare records as per actual reality either through the participation of public by submission of application or on our own. For keeping a record in incorrect form, not only the concerned person is to be blamed, but also it would be counted as a failure on our part. It is therefore, ordered that all applications for correction of records on the basis of sale deed, partition deed or the like ones may be disposed of u/s 50 of the W.B.L.R. Act irrespective of the date of execution/registration of the instruments, for all the mouzas finally published. This may be brought to the notice of all concerned immediately for strict compliance.

D.C.Sarkar.  
D.L.R & S.; West Bengal.

**From the D.L.R & S., West Bengal; to the D.L & L.R.O., Tamluk.**  
Memo No. 57/2785-2802/C/98. Dtd.: Alipore, the 16th Nov.1998.

During preparation of R-O-R under the current revisional settlement operation Revenue Officers noted various restrictive provisions of the W.B.L.R. Act on incidence relating to possession in the Column 16 (old Column 23) of various khatians. This was done as per the G.I issued by the Directorate for preparation of R-O-R In view of computerisation of land records it is now felt that some of such recordings need not be transcribed on the computerised database. Those entries are already time barred and no action can be thought off. The number of such entries in the R-O-R and number of entries which are useless at this moment are quite large in number and therefore, a decision not to transcribe those entries, will not only speed up the data entry work but also will make our records comparatively clean. For example, new bargadars are recorded under the names of bargadars recorded during E.A Act operation indicating of reference of Section 20 B of the W.B.L.R. Act. Even reference of Section 17 B is also rampant. Entries relating to Section 4 (4), 4C, are also quite large in number. These entries are so old that ultimately will not

serve any purpose because of the limitation of time. Entries relating to 14P and 14U will of course be of use in determining ceiling of big land holders. It is therefore, decided that at the time of computerisation of our existing land records, entries relating to application of Section 4 (4), Section 4C, 17B and 20B of W.B.L.R. Act, shall not be taken into account for entry.

There is another issue on which conflicting instructions were issued from the Directorate regarding recording the names of possessors on khas/ vested land recorded in Collector's khatian (khatian no. 1). In some of the instructions, the D.L & L.R.O.s were asked to record names of possessors as Illegal Possessors (বেআইনী দং) while in other instructions it was termed as Non- permissive possessors (বিনা অনুমতি দং). Both types of entries are found in the R-O-R. In the computer software relating to data entry and also in generating computer print out, the term Illegal Possessors (বেআইনী দং) has been accommodated. In this regard it is decided that any entries relating to possession if at all, there is any on the land vested and recorded in the Collectors' khatians shall not be entered into computer. So far as recording in the original records is concerned, it is further decided that for the new mouzas where field work is yet to be over, names of any possessor on vested/ khas land shall not be recorded any more. For the mouzas already passing the stage of K.B etc. uniformity shall be ensured by recording the possessors if any as Non- permissive possessors (বিনা অনুমতি দং) and not Illegal Possessors (বেআইনী দং). This should be brought to the notice of all concerned for strict compliance.

D.C.Sarkar.  
D.L.R & S., West Bengal.

From the D.L& L.R.O, Purulia to the D.L.R & S., West Bengal.

Memo No. 1/1386/R/99

Dtd.: Purulia, the 31.05.99.

**CIRCULAR NO. 8**

**Subject : Recording of Departmental lands - regarding.**

During revision of records under the W.B.L.R. Act, 1955 it is observed that lands donated in favour of and or acquired by various departments like Education, Irrigation, Health, P.H.E. etc. for public purposes are being recorded in the name of the ex-owners because of non-receipt of papers and documents, in time and because of lack of initiative of the departmental Officers in appropriate time. This defective recording leads to lot of litigations in future.

Though substantial progress has been achieved for revision of records, it is still considered high time to get such lands reflected in the departmental khatians without any lapse at the initial stage of K.B or other available stages.

All departmental heads are therefore, requested to instruct their Block/

Field Level Functionaries to contact and interact with the respective B.L & L.R O. offices with relevant papers to get such land property featured in the khatians (R-O-R), the most valuable document to claim right, title and interest over the land. All B.L & L.R.O.s are being instructed to extend all help and co-operation in this regard.

Sd/- Illegible  
D.L & L.R.O., Purulia.

From the D.L.R & S.,W.B. to the D.L & L.R.O., North 24 Parganas.

Memo No. 7/4185-4203/C/2000

Dtd.: the 17.07.2000.

**Subject : Insertion of two new Columns in L.R Khatian forms.**

At present, in L. R. Khatian forms, under the head 'Cess' there are provisions of three columns i.e. পথ (৪-ক): পূর্ত (৪-খ): শিক্ষা (৪-গ) But as cess on rural employment and surcharge on rural employment cess are to be collected, you are requested to insert two new columns i.e. গ্রামীন কর্মসংস্থান (৪-ঘ) এবং গ্রামীন কর্মসংস্থান সারচার্জ (৪-ঙ) under the head 'Cess'.

If, there are huge no of khatian forms in stock then, you are requested to emboss a rubber seal upon the existing khatian forms or K. B. completed. Attestation completed, Draft published or Finally published Record-Of-Rights as well as in rent rolls. In future, if any khatian form is printed, then the printed khatian forms should bear those columns.

This will take immediate effect.

Sd/- Illegible  
D.L.R & S., West Bengal.

From the D.L.R & S., West Bengal to the D.L & L.R.O., Hooghli.

Memo No. 8/5739/C/2000

Dtd.: Alipore, the 25th, Sept., 2000.

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

**Reference : His Office Memo No. 30 (M) C/1065/ S/ 2000 dated 02.08.2000 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 05.05.53 where a date prior to 05.05.53 has been referred to, showing that there was an unregistered partition. Many Mitakshara families evaded ceiling by dint of a Court decree between 05.05.53 & date of vesting.
- 2) Similar cases of declaration of titles by post vesting purchasers are seen where Government was not made a party.

# 4. INSTRUCTION ON ADVERSE POSSESSION

## CIRCULAR

Uninterrupted continuous possession of a person for 12 years describes acquisition of lawful title in the land of a rightful owner. This proposition has been totally misunderstood and indiscriminately made use of while recording Adverse (for title) possession (S/1 R). In view of unwise recording of S/1 R in khas land of the rayats merely for possession over 12 years or more, application of the ceiling laws of Chapter IIB of the L.R. Act suffers a set back. While recording such adverse possession, the following points should be kept in mind:

1. Adverse possession must be adequate in continuity, in publicly and adversely to show that it is possession adverse to the lawful owner, or in other words immediate evidence will be available to the effect that the person is adversely possessing the land of the rightful owner. The possession must be actual and not constructive.

2. Ouster of the non-possessing owner by the person in possession should be made by some overt and notorious acts.

3. There must be evidence of open assertion of hostile title by overt hostile acts coupled with exclusive possession and enjoyment by one within the explicit knowledge and without the permission of the owner, so as to constitute a case of ouster.

4. Before a right could be said to be acquired or lost by adverse possession, it must have been subject of possession by a man without title as against the person with a rightful title.

5. Burden of ouster is on the person claiming to displace the lawful title of the owner by adverse possession. By merely cherishing a hostile title, such possession cannot be adverse.

6. If any person enters upon the land of a rightful owner surreptitiously and stealthily and begins to possess or cultivate it and enjoys the profits arising therefrom taking advantage of the owner's staying away at a remote place, such possession is not adverse to the real owner.

Such condition having been fulfilled and requirement having been sufficiently met, adverse possession should be recorded. Owner's right to such adverse possessor in the Court for recovery of possession will continue upto 12 years in case of private land.

P. Bandyopadhyay  
Settlement Officer  
Malda West, Dinajpur, Malda

Memorandum No. XV/26(C) 8283(4)/80

dated, Malda, the 11<sup>th</sup> Nov, 1980

Copy forwarded in the Settlement Officer, Koch Bihar.

P. Bandyopadhyay  
Settlement Officer  
Malda West, Dinajpur, Malda

Government of West Bengal  
Office of the Director of Land Records & Surveys &  
Jt. Land Reforms Commissioner, W.B.  
35, Gopalnagar Road, Alipur, Calcutta-27

Memo No 26/4794/C/94

dated, Alipur, the 19<sup>th</sup> Sept

The District Land & Land Reforms Officer,  
Uttar Dinajpur

GOVERNMENT OF WEST BENGAL  
DEPARTMENT OF LAND RECORDS AND SURVEYS  
AND  
DISTRICT LAND AND REFORMS OFFICE  
DANISHMANGALPUR

Dated: 27th January, 2010  
DANISHMANGALPUR

The District Land and Reforms Officer,  
Danishmangalpur.

Subj: Deletion of remarks like 'anumati  
dong/jabar dong etc. recorded in col. 43/  
remarks column in ROR of Raiyats.

Ref: His Office memo no. 3272/12/LR/LA  
dated 24-12-09.

With reference to above this is to inform him that the  
remarks like 'anumati dong/jabar dong' in the record of right may  
be deleted after proper field enquiry.



(S.K. SHA)  
For Director of Land Records and Surveys  
and Jr. Land Reforms Commissioner,  
West Bengal.

Government of West Bengal  
Office of the District Land Reforms Officer  
Danishmangalpur, Bangladesh

308(N)/LR/LA

adlt - 10/1/10

Copy forwarded for information and necessary action to -  
1. The District Land Reforms Officer, Danishmangalpur.  
2. The District Land Reforms Officer, Papan / Muli / Kharasahi / Sagarapur / Gindaha  
/ Kharasahi / Harandapur.

