

west bengal land & land reforms officers' association



পশ্চিমবং
ভূমি ও ভূমি সংস্কার
আধিকারিক সমিতি

(Registered under the Societies Registration Act, XXVI 1961)

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Website : www.wbllroa.in

Ref : / WBLROA / 2022-23

Date : Kolkata, 20th September, 2023

To

1. The Secretary
Judicial Department
West Bengal
2. The Land Reforms Commissioner
&
Secretary
L. & L.R. & R.R. & R. Department
West Bengal
3. The Director General of Police
West Bengal

Sub: Complete immunity to the officers of the ranks of Revenue Officer, Special Revenue Officer, etc. while discharging their quasi judicial duties.

Respected Sir,

West Bengal Land and Land Reforms Association is an organization formed under the Societies Registration Act, XXVI 1961 by and for the officers of the ranks of Revenue Officer, Special Revenue Officer, etc. and as such the instant representation is made to you on behalf of the officers of the ranks of Revenue Officer, Special Revenue Officer, etc. to bring to your notice that the said officers are being needlessly and maliciously implicated into legal proceedings which are not only demeaning to the sanctity of the offices of the government but also to the said officers who are holding such offices of the government and are executing their duties diligently and assiduously for the people of this nation in good faith.

Among the plethora of duties that the officers of the ranks of Revenue Officer, Special Revenue Officer, etc. have to perform quasi judicial functions. It is pertinent to mention that during such quasi judicial proceeding the officers are bound to follow the statute as prescribed and in certain matters the civil courts are being abstained from entertaining any matter relating to the alteration of any entry in the record of rights and/or the determination of revenue or the incidents of any tenancy to which the record of rights is related. As such the officers performing their quasi judicial duties are authorities

who have powers resembling those of the judicial bodies and are bound to draw conclusions based on existing laws which are binding in nature. However such authorities do not have the power to create new laws in time of dire need. It is further mentioned herein that like any other quasi judicial body such officers of the ranks of Revenue Officer, Special Revenue Officer, etc performing their quasi judicial duties partly functioning like the Learned Courts delivering orders and/or judgments binding upon the parties so that the huge burden which has fallen upon the courts can be reduced.

However it is being taken into consideration that nowadays it has become a growing trend that the person who is being aggrieved by the orders and/or judgments of the said officers in the said quasi judicial proceedings are initiating criminal cases against the said officers despite there being a provision of preferring appeal challenging such order and/or judgement. Such actions partaken by the aggrieved person are both demeaning and humiliating to both the officers in question and also to their respective public offices. It is further mentioned herein that on the basis of such manipulative, deliberate and vindictive complaints the officers are being subjected to criminal proceedings and are treated like accused.

It is needless to say that the provisions of the West Bengal Land Reforms Act, 1955 and Mines and Minerals (Development and Regulation) Act has specifically stated that no suit or legal proceeding shall lie against any person for anything which is being done in good faith and it is fair to state that the said officers conducting such quasi judicial proceeding are performing their duties in good faith. Nevertheless criminal proceedings are being drawn up against such officers who are performing quasi judicial proceedings even when there are provisions within the four corners of the statute that a person aggrieved can approach or appeal to the higher forum. It is being further stated herein that the officers who are performing their duties with utmost sincerity have to battle out such baseless, vindictive and frolicsome criminal cases on their own and there have been several instances when the Hon'ble High Court at Calcutta was pleased to quash the criminal proceedings instituted against the said officers and/or deliver judgments and/or order in favour of the said officers which further establishes the fact that the said criminal cases are being instituted to harass and hassle the said officers and to disgrace the said grand and inspiring government institutions of the state.

It is pertinent to mention that it is imperative to grant and secure complete immunity to the officers of the ranks of Revenue Officer, Special Revenue Officer, etc. while performing their quasi judicial duties to safeguard such quasi judicial authorities from getting false and frolicsome accusations by people against whom a judicial pronouncement has been made. There are avenues within the reach of an aggrieved person to prefer an appeal to the higher authorities against the judicial

pronouncement and if it is found by the superior courts and/or authorities that the officer in question has acted during the quasi judicial proceeding outside his jurisdiction in a bad faith, only then such officer is liable for damages and/or enquiry and/or damages.

Under such circumstances it is requested to your good office to look into the grievances of the said officers who are ardently performing their quasi judicial duties in the light of the aforesaid scenario and do the needful to grant and secure complete immunity to the said officers while they are performing their quasi judicial duties.

Thanking you.

Enclosures:

1. The order(s) of Hon'ble Calcutta High Court
 - i. CRR No.1487 of 2020
 - ii. CRR No. 1488 of 2020
2. The order of Additional Chief Judicial Magistrate
Kakdwip, South 24 Paraganas in Misc Petition
No.534/2021

Sincerely yours,

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(**Sumit Mukherjee**)

General Secretary

West Bengal Land & Land Reforms Officers' Association

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Ref : **50 / 1(4) / WBLROA / 2022-23**

Date : Kolkata, **20th September, 2023**

Copy forwarded for kind information to:

1. The Director of Land Records & Surveys, and Joint Land Reforms Commissioner, West Bengal.
2. The District Magistrate
3. The C.P. / S.P.
4. The Additional District Magistrate & District Land & Land Reforms Officer

Sumit Mukherjee

(**Sumit Mukherjee**)

General Secretary

West Bengal Land & Land Reforms Officers' Association