

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, KOLKATA 700027

No.26/ 92 /C/14

Dated Alipore, the 10<sup>th</sup> January , 2018

**CIRCULAR**

**Sub : Process of recording the names of adverse possessors in L. R. Khatian**

A question has been raised whether an adverse possessor noted in Col.23(Remarks Col.) be recorded in front page if such person enjoys possession continuously for more than 12 Years. Previously circular was issued from this Directorate vide **Memo. No.26/ 4794 /C/94 Dated Alipore, the 19<sup>th</sup> September, 1994** confirming the query that the names of such adverse possessor be recorded in the front page of the Khatian.

On getting such reference, the issue was reconsidered in the light of the provision of law, Jurisdiction of Revenue Officer and opinion of Ld. L. R., West Bengal was also solicited.

The claim to right and interest in relation to property on the basis of possession is accepted by law. Natural resource like land is limited. If any land remained unused for a long time and if any person through adverse possession enter into the land and make it use for productive purpose and the actual owner does not take action against the possessor within 12 years then it is proved that the owner has no interest over the land. The adverse possessor acquires title.

But the moot question is whether Revenue Officer is the Competent Authority to decide the title in respect of a land.

The matter was referred to the Ld. L. R., Govt. of W. B. through the Deptt. for his opinion. The Ld. L. R., Govt. of W. B. opined that the circular in question (ref. above) requires to be reviewed in view of the Judgment passed on 21.03.2007 in W. P. L. R. T. 874 of 2003. The Deptt. is also of the same view vide No.3666-1S/62/2017 dated 07.11.2017. In the said Judgment Hon'ble Division Bench, High Court, Calcutta made it clear that the recording of adverse possessor involves title to the land and the authority has no right and such right can be decided by the Civil Court only.

In view of the above, the previously issued guide-line as envisaged in the Sl. No.1 of the **Memo. No.26/ 4794 /C/94 Dated Alipore, the 19<sup>th</sup> September, 1994** is hereby withdrawn.

*Sub 9/1/18*  
**(S. DUTTA)**

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

No.26/ 92(24)/C/14

Dated Alipore, the 10<sup>th</sup> January , 2018

**Copy forwarded for information and necessary action to :-**

- 1) The Principal Secretary to the L. & L. R. and R. R. & R. Department and LRC,  
Govt. of West Bengal, NABANNA, Howrah.
- 2) The D. L. & L. R. O. AM

*Sub 9/1/18*  
Director of Land Records & Surveys and  
Joint Land Reforms Commissioner, W. B.