

**west bengal
land & land reforms
officers' association**



**পশ্চিমবং
ভূমি ও ভূমি সংস্কার
আধিকারিক সমিতি**

(Registered under the Societies Registration Act, XXVI 1961)

Regd. Office : 238, MANICKTALA MAIN ROAD, FLAT NO. 10, KOLKATA-700 054

Central Office : 7/1, KALIBARI ROAD, DUM DUM, KOLKATA-700 030

Website : www.wbllroa.in

Ref : **11** / WBLROA / 2022-23

Date : Kolkata, **26th June**, 2022

To
The Director of Land Records & Surveys
&
Joint Land Reforms Commissioner
West Bengal
Gopal Nagar Road, Alipore, Kolkata- 700 027

Sub: Regarding Barga

Respected Madam,

The Association is observing that at field level various petitions are being submitted in issues relating to status of “bargadar” as are recorded in ROR and for deletion of such “bargadar” noting from ROR.

The field level officials often are perplexed because the Act itself and the Executive orders issued time to time has created doubt in their minds. They

- Thwart the petitioner to apply at District end and which causes disgruntlement to the raiyat
- Keep the application at his level and does nothing-The raiyat does round of the offices and starts lodging complaints
- Gives the raiyat a memo number by simply issuing a forwarding and seeking instructions

All these causes pain and agony among citizen and the department earns a bad name.

The most common variety of petitions and their subject-matter are cited below:

- A recorded raiyat prays that there is a recorded “bargadar” as per his khatian but he has purchased the land from the bargadar and thus ROR be corrected and “bargadar” be deleted from the khatian.
- A recorded raiyat prays that there is a recorded “bargadar” as per his khatian but he is now related to such recorded “bargadar” in such way that they are in relationship as are barred u/s 2(2) of WBLR Act and thus such “bargadar” be deleted from ROR.
- A recorded raiyat prays that there is a recorded “bargadar” in his land as recorded in his khatian but there is no iota of agricultural activity in the area and in fact, he has not seen such “bargadar” to cultivate the land.

As per our understanding, these petitions can be enquired into and disposed of by the empowered authority because it is fact that the responsibility of the L&LR department is to maintain real-time record.

However, there is provision in Chap III of W.B.L.R. Act vide its Sec.18(2) whereby officer empowered u/s 18(1) of the Act has been entrusted with the responsibility of determining the status of bargadar and whether there is relationship of owner-bargadar between two persons and such role of the empowered officer u/s 18(1) of W.B.L.R. Act has been upheld by The Hon'ble High Court in Fazilanessa Bewa –vs- Maznu Sheik, 90,CWN 467 as also by the Hon'ble Division Bench chaired by the present A.C.J., Calcutta High Court in W.P.L.R.T. 147/2013(copy enclosed). The ambit of this section is much more than our officers are allowed to explore.

The association will like to state that since R.O.R ideally should be a true depiction of the field and if any change has happened in the field but not depicted in R.O.R then unlawful practices will gain wind and there are reported issues of removal of barga whose audit trail is not traced and apparently no authorised user at Block has vitiated ROR but the entry is found eliminated and the racket is deep.

There are instances when Directorate has also directed restoration but the cause has not been detected.

The Associations remains expecting positive action for dual reasons:

- 1) The issues are directly related to socio-economic development of the State and role of the department vis-a-vis such development.
- 2) The issues are being dragged to the utmost limit affecting the career of many officers in the form of impending Departmental Proceedings.

Thanking you.

Sincerely yours,



(Sumit Mukherjee)

General Secretary

West Bengal Land & Land Reforms Officers' Association

(Email id : wblroa.80@gmail.com, Mobile : 8902296007)