

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



**পশ্চিমবং
ভূমি ও ভূমি সংস্কার
আধিকারিক সমিতি**

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To
The Additional Chief Secretary
&
The Land Reforms Commissioner
L. & L.R. & R.R. & R. Department
West Bengal

**Sub:- Recent circular regarding Power of Attorney being number
1000-1S/22/2024 dated 27/02/2024**

Respected Sir,

The Association will like to draw your kind attention to the recent circular dated 27.02.2024 from your kind end vide Memo No. 1000-15/22/2024 to arrest different types of malpractices regarding transfer of landed property by virtue of executed power-of-attorney(POA).

First of all, we want to mention that it is indeed a good initiative to break down the ill-nexus to mutate lands on the basis of some false POA. We are also obliged for such action to get a weapon for the ground level offices like BL&LRO offices, to defend themselves from being apart of such malpractices unwillingly/willingly.

But going through the aforesaid circular, we strongly feel to make our submission for some medication of the aforesaid circular to clear the iota of doubt.

We know that the mutation is being done under section 50 of the West Bengal Land Reforms Act, 1955 (hereinafter referred to as WBLR Act, 1955). That the transfer like sale, gift etc., specially for which Power of attorney may play a vital role in mutation, is governed by section 50 as well as section 5 of the WBLR Act, 1955. The moot question is while disposing of an application under section 50 read with section 5 of the WBLR Act, 1955, whether an officer has the authority to adjudicate the authority of some other Government officials (ADSR).It is seen that a deed, which was

registered by virtue of any power of attorney, is executed by the registering authority and the veracity of the said POA is seemed to have been checked by the said Registering Authority at the time of execution of the said deed. We take coercive action only when the deed is forge but when a deed has been executed can we say that the deed is invalidate? To our opinion we can only say that the donor in the deed or the chain does not match with the recorded owner as per our record of rights.

Now coming to the question of publishing the land schedule in two widely circulated newspapers and to wait at least for one month prior to sale: -

- 1) The circular as it appears from the memo have not been served upon registering authority
- 2) Neither had the issue been published through Gazette.
- 3) Whether we can invalidate a power of attorney duly registered by means of a circular!?
- 4) What is the date of coming into effect of this circular?
- 5) What will happen to those power of attorneys which have been registered prior to the issuance of this circular and which did not follow the norms as prescribed in this circular.
- 6) The circular directs publication in dailies when intending to sell but the interface with RO is beyond sale and hence it be spelt clearly as to whether the transferor/transferee and/or principal/agent shall be impressed upon to publish declaration of intent in daily newspaper despite the fact that registration of deed of conveyance on the POA has already been executed and if the direction is in affirmative then a pro-format for publication be circulated for uniformity across the State. The phrase intending to sale may be suitably modified.

With regards to point ii this is to suggest that the Collectors may be requested to upload their scanned signature in the e-bhuchitra site for verification.

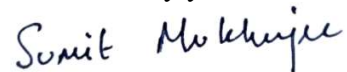
Further it is seen that nearly every office under this department lacks the proper preservation of hard copies of documents. In the age of huge disposal of mutation/warish/misc cases, it is very hard for every BL&LRO office to preserve such mutation cases separately by the concerned BL&LRO for a very long time. As, nearly every document is to be submitted in a PDF format at the time of apply for the mutation, it is our proposal that NIC may kindly be requested to generate such a procedure so that cases may automatically be preserved in the system and can be fetched at any time as a SYSTEM GENERATED CASE RECORD. This may be ensured for all procedures under the Acts that are appealable.

We submit before your kind authority to sensitize the issue in such a way that the common people should not feel that the Revenue Officer at the ground level is devising ways to harass people and / or extract money.

Obviously under such circumstances, we strongly feel that the entire issue will be recoured by your kind end to enlighten the face of this department as well as to minimise the hardship of general public to take a service from the ground level office like BL&LRO. We are always prepared to sit with your kind end to discuss the matter elaborately if your kind end thinks it fit and proper.

Thanking you.

Sincerely yours,



(**Sumit Mukherjee**)

General Secretary

West Bengal Land & Land Reforms Officers' Association

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