

Government of West Bengal
Department of Land & Land Reforms and Refugee Relief & Rehabilitation
Nabanna (6th Floor), 325 Sarat Chatterjee Road
Shibpur, Howrah-711102

No. 619/LA/9R-13/24

Date- 09/06/2025

MEMORANDUM

It has come to the notice of this Department that in some cases lands which are under the undisturbed possession of various Government Establishments/Government Authorities for several decades having Government offices/public institutions have not yet been mutated in the records of rights in favour of the concerned Government Department/Establishment/Government Authority, and in some cases it is leading to litigation regarding title/ownership of such lands and claiming compensation for such lands.

It has been seen that Government got such land through gift by some benevolent persons and socially-minded individuals in the days of yore, but taking the advantage of non updation of record of rights in respect of such lands, the successors of the persons whose names have remained recorded in the record of right are claiming compensation for such land much belatedly, after several decades. As long as these individuals, who donated the lands or from whom the lands were acquired were alive, neither they nor any member of their family ever raised any objection or claimed compensation against such land. Even after their deaths, there was hardly any claims till the new Act of Land acquisition, i.e. RFCTLARR Act, 2013 came in. Motivated by the attractive terms of compensation under the 2013 Act, successors of some of those persons, are belatedly making such claims by filing petitions in Courts, taking the advantage of absence of formal records due to elapse of several decades.

Such belated or **stale claims** are legally not tenable. Some orders of the Supreme Court of India in this regard, may be worthy of mention here:

Honourable Supreme Court in its order by the Larger Bench dated 6.3.2020 in the matter of SLP(C) 9036-9038 of 2016, in the matter of Indore Development Authority-vs-Monoharlal & Others in Para-350 stated:

(i) "In U.P. State Jal Nigam and Anr. v. Jaswant Singh Singh and Anr, this court has observed that if a claimant is aware of the violation of his rights and does not claim his remedies, such inaction or conduct tantamount a waiver of the right. In such cases, the lapse of time and delay are most material and cannot be ignored by the Court. In Rabindranath and others vs Union of India and Others, the Constitution Bench of this Court has observed that the Court cannot go into the stale demands after a lapse of several years. This court observed thus:

32.But after carefully considering the matter, we are of the view that no relief should be given to petitioners who, without any reasonable explanation, approach this court under Article 32 of the Constitution after inordinate delay. The highest court in this land has

been given original jurisdiction to entertain petitions under Article 32 of the Constitution. It could not have been the intention that this court would go into stale demands after a lapse of years. It is said that Article 32 is itself a guaranteed right. So it is, but it does not follow from this that it was the intention of the Constitution-makers that this court should discard all principles and grant relief in petitions filed after inordinate delay(2006 11 SCC 464 242 (1970) 1 SCC 84)".

(ii) In para-351 of that judgement of the Supreme Court it is mentioned that,

"351. In Dharpara v. Bijapur Cooperative Milk Producers Societies union Limited 243, this court observed that if delay has resulted material evidence relevant to adjudication being lost or rendered unavailable, would be fatal.....It will be illogical to hold that the amendment to the Act inserting section 10(4A) should be interpreted as reviving all stale and dead claims."

More discussions and observations are there in this regard in this judgement in para-349 and para-352.

Keeping in view the aforesaid facts, it is felt necessary that records of rights of the lands of such Government establishments as stated, need to be updated immediately in favour of the relevant Government Department/ Establishment/ Authorities.

All the District Magistrates and the District Collectors and the relevant Revenue Authorities are requested to take immediate necessary action for updating the records of rights accordingly, where updating of records are still pending in respect of all such lands. For any difficulty in this respect, the Office of the Director of Land Records & Survey may be consulted.

The Authorities of such Government establishments/offices are requested to bring such cases in writing with full details for necessary correction of record, to the respective District Land & Land Reforms Officer early.

By order of the Governor,


Special Secretary, L & LR & RR & R Department.

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Copy for information and necessary action to:

(1-54) The Additional Chief Secretary/Principal Secretary/Secretary of.....
Department(All)

(55) The Director of Land Records & Survey, West Bengal.

(56-77) The District Magistrate, District (All)

(78-99) The District Land & Land Reforms Officer, District (All)


Special Secretary, L & LR & RR & R Department.