

Government of West Bengal

Department of Land & Land Reforms & Refugee Relief & Rehabilitation

Land Policy Branch

NABANNA

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No. 4401(23)-LP/ 5M-31/21

Dated : 16.10.2023

From: The LRC & Secretary to the Govt. of West Bengal

To : District Land & Land reforms Officer (All)

Sub: Mutation of *Debottar* Property.

It has come to the notice of this Department that petitions seeking mutation of private debottar property are not being addressed, properly dealt with and disposed of since there is much confusion regarding determination of the nature of debottar property, i.e., as to whether the same is a private or public one, resulting in non disposal of such cases.

With a view to mitigate the hardship of the above mentioned applicants and to ensure proper disposal of such mutation petitions it has been decided upon careful consideration that the following measures are to be taken to resolve the issue efficaciously:

- I. Each mutation case arising out of purchase/transfer of *debottar* property is to be thoroughly enquired into by an officer not below the rank of Revenue Officer (WBSLRS Gr -I) in order to ascertain the following points concerning the *debottar*:
 - (i) actual user of income or usufructs of the land and temple,
 - (ii) mode of cultivation in case the land is agricultural in nature,
 - (iii) pattern of utilization of land in case the land is other than agricultural in nature,
 - (iv) share of income or usufructs of the land appropriated or enjoyed, or the area of such land occupied or enjoyed, by or on behalf of the manager, *sebait*, *mutawalli*, or any other person managing the trust, endowment or institution,
 - (v) Who has/have access to the temple/ abode of the deity: whether only the family members of the author of the deed or public /community / class at large?
 - (vi) Who actually performs/performs *seva puja*: whether only the family members of the author of the deed or public/community / class at large?
 - (vii) Who participates/participate in the *seva puja* and festivals: whether only the family members of the author of the deed or public/community / class at large?

(Contd to Pg -2)

- (viii) Who gets/get *prasada /bhog* : whether only the family members of the author of the deed or public/community / class at large?
- (ix) Who meets/meet the expenses to maintain *seva-puja* and who are the actual beneficiaries, i.e., who enjoys/enjoy the income derived from the temple and the properties dedicated to the deities: whether only the family members of the author of the deed or public/community / class at large?
- (x) Whether the control and management of the *debottar* vest in the members of large body of persons or the author retains control and management through his heirs or agents?

If findings of all the above mentioned points/queries lead to the conclusion that it is only the family members of the author of the deed who have access to the temple and who are authorized/entrusted to perform *seva puja*, to participate in festivals and to enjoy the income generated from the temple and other properties dedicated in the name of deity in that event only such *debottar* should be treated as a private *debottar* property. In a nutshell, if the beneficiaries are specific individuals instead of a class/community/public at large then it is to be treated as a private *debottar* property.

- II.** Enquiry is to be conducted on prior issuance/ publication of notice at public place upon verification of the deed of dedication and deposition of local people.
- III.** Enquiry report must be discreet and conclusive regarding the nature of the *Debottar*: specifying whether it is private or public / exclusively religious or charitable or both.
- IV.** After ascertaining the status of the *debottar* the concerned RO (other than the RO who conducted the enquiry)/SRO II / BL&LRO shall dispose of the mutation case on the basis of the deed of transfer /sale after hearing all necessary parties by ensuring their presence during hearing.
- V.** Plots noted as *debottar* in the CLR are to be un-flagged on case to case basis subsequent to determination that the said *debottar* is private in nature.



LRC & Secretary to the Govt. of West Bengal