

(2009) 11 CAL CK 0028
In the Calcutta High Court
Case No : C.O. No. 3395 of 2006

Sri Jagannath Dhali and Others

APPELLANT

Vs

Sri Ram Chandra Mandal and Others

RESPONDENT

Date of Decision : 20-11-2009

Acts Referred:

Bengal Tenancy Act, 1885 — Section 26F
Civil Procedure Code, 1908 (CPC) — Section 99
Constitution of India, 1950 — Article 227, 300A
Registration Act, 1908 — Section 47, 49, 59, 60
Transfer of Property Act, 1882 — Section 17
West Bengal Land Reforms (Amendment) Act, 1972 — Section 7
West Bengal Land Reforms Act, 1955 — Section 5(5), 7, 8, 8(1)

Citation : AIR 2010 Cal 32

Hon'ble Judges : Biswanath Somadder, J

Bench : Single Bench

Advocate : Tapabrata Chakraborty, Bibek Tripathy and Bholanath Ghosh, for the Appellant; Probal Mukherjee and Rajat Datta for Opposite Party No. 1, for the Respondent

Final Decision : Dismissed

Judgement

Biswanath Somadder, J.—Heard the learned Advocates appearing on behalf of the parties.

2. The instant application under Article 227 of the Constitution of India is directed against an order dated 22nd June, 2006, passed by the learned Additional District Judge, Ist Fast Track Court, Hooghly, in Miscellaneous Appeal No. 105 of 2003, dismissing the said Miscellaneous Appeal.

3. The petitioners in the instant application were the appellants and the opposite party Nos. 1 to 5 herein, being the respondents in the said appeal; the rest being proforma respondents/opposite parties.

4. By the order impugned, the learned court below while dismissing the

Miscellaneous Appeal, observed inter alia, that transfer of an immovable property takes effect from the date of registration and not from the date of its execution and therefore it did not find anything illegal in the pre-emptors seeking preemption in respect of transfer of the plot-in-question, being plot No. 172, by six separate deeds executed on different dates and held the transfers so made under those deeds were to be considered as a single one.

5. The genesis of the matter culminating in the order impugned is as follows:

The predecessor-in-interest of the opposite party Nos. 1 to 5 herein (Tarak Chandra Mondal) filed an application initially u/s 8 of the West Bengal Non-Agricultural Tenancy Act; later that application was converted to one u/s 8 of the West Bengal Land Reforms Act, 1955, seeking pre-emption, on the ground of co-shareship as well as contiguous land ownership, in respect of 62 decimals out of .72 decimals in plot No. 172, appertaining to Khatian No. 378 in Mouja Shikhira, District- Hooghly. It was his case that he was a Raiyat in respect of 0.4 decimal in plot No. appertaining to khatian No. 109 and was a co-sharer in the original plot No. 172 and that he owned plot Nos. 170 and 171, measuring 0.35 and 0.33 decimal respectively, which were situated contiguous to the plot-in-question, being plot No. 172. The opposite party Nos. 6 to 13 herein, had sold their .62 decimals of land in plot No. 172 to stranger purchasers, being the petitioners herein, by six separate registered deeds of sale No. 5122-27 executed on 5th October, 1982, 6th October, 1982 and 7th October, 1982. It was the specific case of the opposite party Nos. 1 to 5, being the applicants before the learned Trial Court, that the sale executed by the proforma respondents/opposite party Nos. 6 to 13 in favour of the petitioners herein was made without notifying them at a consideration of Rs. 3700/-. The petitioners herein, as opposite party Nos. 1 to 5 before the learned Trial Court, contested the case before the learned Trial Court by filing a written show cause. It was their specific case that being the owners of the pond in plot No. 173, situated adjacent to the plot No. 172, they had their right to enjoy fruits of the trees of the pond and by that way they had become contiguous owners, having the largest boundary with plot No. 172. They also denied that Tarak Chandra Mondal was not notified about the transfer of the plot, rather he was first to be offered with the proposal to purchase the plot, but without any result.

6. The learned Trial Court after considering the respective contentions, allowed the Miscellaneous pre-emption case and held, inter alia, that the original applicant (Tarak Chandra Mondal), was the co-sharer as well as the contiguous land-owner on the basis of evidence adduced which included the report of the Advocate Commissioner and the RS Map of Mouja Shikhira.

7. Subsequently, the petitioners herein preferred an appeal before the learned court below u/s 9 of the West Bengal Land Reforms Act, 1955, wherein it was contended, inter alia that the learned Trial Court had failed to appreciate the fact that they, being the owners of plot No. 173, i.e. the pond and its catchment area, had the largest common boundary adjacent to plot No. 172, which was much

bigger than that of the opposite party Nos. 1 to 5 herein. It was further argued by the appellants before the learned court below that the transfer of the plot-in-question was made by six separate deeds which were executed on different dates, and as such, the transfer made under those instruments could not be made the subject matter of a single application for pre-emption. On behalf of the opposite party Nos. 1 to 5 herein it was argued before the learned court below that the appellants had no right to claim themselves as contiguous land owners, being the owners of the pond. It was also submitted that seeking relief for pre-emption in respect of the plot-in-question was maintainable in law, even though the transfer was made by six separate deeds of sale. It was further contended that transfer of an immovable property takes effect from the date of registration and not from the date of its execution. The learned court below, after taking into consideration the respective contentions of the parties, proceeded to dismiss the appeal preferred by the petitioners herein by passing the impugned order.

8. The only legal issue that comes up for consideration before this Court is whether a single composite application seeking pre-emption u/s 8 of the West Bengal Land Reforms Act, 1955 is maintainable upon transfer of a single plot of land by six separate deeds of transfer executed on various dates, by virtue of the said deeds being registered on a single date, i.e., on 07th October, 1982.

9. Learned Advocate appearing on behalf of the petitioners in this regard has relied on a judgment of the Supreme Court in the case of Gurdit Singh and Others Vs. Munsha Singh and Others, . Relying on this judgment he submitted that connotation of cause of action stands detailed therein and there is a difference between accrual of the right to pre-empt and the accrual of a cause of action. He further submitted that though by virtue of the fact that the date of registration of the said six deeds were identical and the right to pre-empt may be construed to have accrued from the date of such registration, but the said six deeds having been executed on different dates did not give rise to one single cause of action and accordingly such different transfers and separate causes of action could not be made the subject-matter of a single application for pre-emption.

10. Relying on another Supreme Court judgment, in the case of Lachhman Daas v. Jagat Ram and Ors. reported in 2007 (3) Supreme 410, he submitted that the right of pre-emption although being a statutory right, was a very weak right and such right could not supersede the constitutional right of an individual to hold property under Article 300A of the Constitution of India.

11. He has also relied on a Single Bench judgment of this Court in the case of Tapan Krishna Das Vs. Hazi Sajjad Ali Khan and Others, in support of his submission that the date of registration cannot be couched as the date of transfer.

12. Relying on another Single Bench judgment of this Court in the case of Biswanath Patra Vs. Divisional Engineer (E) S and LP and State, , he contended that a special statute such as the West Bengal Land Reforms Act, 1955 would

prevail over the general laws and since there is no specific provision in this special statute with regard to joinder of cause of action, the general laws cannot be made applicable.

13. On the same proposition of law, learned Advocate relied on a Division Bench judgment of this Court in the case of Amaresh Das and Others Vs. State of West Bengal and Others, and submitted that the provisions of general procedural law cannot be made applicable until and unless specific provision in that regard was made in the West Bengal Land Reforms Act, 1955.

14. Finally, he relied on the judgment of the Supreme Court in the case of Gopal Sardar Vs. Karuna Sardar, and submitted that the West Bengal Land Reforms Act, 1955 was a self-contained code dealing with the right of pre-emption and therefore the general laws did not apply. On the other hand, learned Advocate for the opposite party No. 1 relied on a judgment of a Division Bench of this Court in the case of Satish Chandra Kulia v. Kalipada Maity and Ors. reported in 1977 (2) CLJ 480 and submitted that if the proposition that limitation will run from the date of execution and not from its registration was accepted, then the right of pre-emption may be easily defeated by a purchaser intentionally presenting his document of transfer for registration, after expiry of four months from the date of execution of the same.

15. Relying on a Single Bench judgment of this Court, in the case of Sabitri Bala Roy v. Gouri Sankar Datta reported in 1988 (1) CHN 232, he submitted that it has been held in the said judgment, following the earlier judgment of the Division Bench of this Court in Satish Chandra Kulia's case (supra), that the right of pre-emption will not run from the date of execution of the sale-deed, because the date of the registration is the date of accrual of the right of preemption.

16. Learned Advocate further relied on another Single Bench judgment of this Court in the case of Rangalal Mondal v. Sudarsan Burman reported in 1989 (1) CHN 26 wherein the same principle of law has been reiterated. He submitted that in this judgment it has been held that the period of limitation for exercising the right of pre-emption u/s 8(1) of the West Bengal Land Reforms Act, 1955 by a co-sharer is three months from the date of transfer and the transfer becomes operative as against the third party with effect from the date when the registration of the document was completed.

17. He also relied on the Single Bench judgment of this Court in the case of Sri Gadadhar Ghosh v. Sri Srishidhar Ghosh and Anr. reported in 2000(2) CLJ 423 wherein the question was raised as to whether an application for preemption filed after execution of the sale-deed but before the completion of registration was maintainable or not. Learned Advocate submitted that in this judgment it was held by the Court that it was now a settled law that an application for pre-emption filed before the completion of registration was not maintainable.

18. Learned Advocate for the opposite party No. 1 also relied on a judgment of this Court in the case of Samarendra Jana v. Basanta Kumar Shit reported in

1978 (1) CLJ 299 and submitted that in the said judgment the Court referred to and relied on an earlier judgment of a Division Bench of this Court in the case of *Jyotish Chandra Sardar v. Hira Lal Sardar* reported in ILR 1971 (1) Cal 213 to decide the question as to whether one application for pre-emption in respect of two sales from two different persons was maintainable or not. Learned Advocate submitted that the Court in the said judgment, followed the ratio of the earlier decision rendered in *Jyotish Chandra Sardar's* case, wherein it was held that the contention that the application was bad as it contained three prayers of preemption in respect of three different transfers had really no substance at all. The transfers being made in favour of the same person and in respect of different portions of the said holding, it was quite appropriate that the three causes of action, arising out of three transfers should be joined in the said petition. The Court, thereafter, in *Samarendra Jana's* case (supra) proceeded further to observe that it was unnecessary to add anything to what has been so clearly stated in the decision rendered by the Division Bench in *Jyotish Chandra Sardar*.

19. Lastly, he referred to a Division Bench judgment of this Court in the case of *Sadhan Chandra Samanta and Ors. v. Jaladhi Bala Dasi and Anr.* reported in 1986 (1) CLJ 170 and submitted that in that case it was held that the transfer by a sale in favour of a stranger-purchaser of a share in a holding-in-question gave rise to a right of pre-emption in favour of owners of the adjoining plots of land. In other words, both the claimants-applicants became entitled to claim the right of pre-emption u/s 8 of the West Bengal Land Reforms Act, 1955, arising out of the same act or transaction. If they had filed separate applications u/s 8 of the West Bengal Land Reforms Act, 1955 common questions of law and fact would have arisen. Secondly, in such an event, the court would have to be called upon to decide further as to who amongst the claimants possessed land having the longest common boundary with the land transferred, following the guidelines laid down in the second proviso to Section 8 of the West Bengal Land Reforms Act, 1955. Therefore, even if separate applications u/s 8 were filed, it would be necessary to analogously try the same and also to decide who had the preferential right to pre-empt the transfer in favour of the stranger-purchaser. In such circumstances of the case, the Division Bench in *Sadhan Chandra Samanta* held that there was no mis-joinder, by reason of the two applicants jointly making the application u/s 8 of the West Bengal Land Reforms Act. Alternatively, it was held that such joinder did not affect the merits of the case or the jurisdiction of the Court. The Division Bench in this judgment followed the ratio of the earlier Division Bench judgment rendered in *Jyotish Chandra Sardar's* case (supra).

20. Based on a broad conspectus of the judgments relied on by the parties, I am of the opinion that the legal issue that has come up for consideration before this Court as to whether a single composite application seeking pre-emption u/s 8 of the West Bengal Land Reforms Act, 1955 is maintainable upon transfer of a single plot of land by six separate deeds of transfer executed on various dates, by virtue of the said deeds being registered on a single date, i.e., on 07th

October, 1982, is no more res nova.

21. However, before I proceed to discuss the interpretation of law by various courts in respect of the legal issue raised herein, I consider it necessary to set out the provisions of Section 8 of the West Bengal Land Reforms Act, 1955, in its entirety, which reads as follows:

8. Right of purchase by co-sharer or contiguous tenant. - (1) If a portion or share of a plot of land of a raiyat is transferred to any person other than a co-sharer of a raiyat in the plot of land, the bargadar in the plot of land may, within three months of the date of such transfer, or any co-sharer of a raiyat in the plot of land may, within three months of the service of the notice given under Sub-section (5) of Section 5, or any raiyat possessing land adjoining such plot of land may, within four months of the date of such transfer, apply to the Munsif having territorial jurisdiction, for transfer of the said portion or share of the plot of land to him, subject to the limit mentioned in Section 14M, on deposit of the consideration money together with a further sum of ten percent of that amount:

Provided that if the bargadar in the plot of land, a co-sharer of raiyat in a plot of land and a raiyat possessing land adjoining such plot of land apply for such transfer, the bargadar shall have the prior right to have such portion or share of the plot of land transferred to him, and in such a case, the deposit made by others shall be refunded to them:

Provided further that where the bargadar does not apply for such transfer and a co-sharer of a raiyat in the plot of land and a raiyat possessing land adjoining such plot of land both apply for such transfer, the former shall have the prior right to have such portion or share of the plot of land transferred to him, and in such a case, the deposit made by the latter shall be refunded to him:

Provided also that as amongst raiyats possessing lands adjoining such plot of land preference shall be given to the raiyat having the longest common boundary with the land transferred.

(2) Nothing in this section shall apply to -

(a) a transfer by exchange or by partition, or

(b) a transfer by bequest or gift, or hiba-bil-ewaz, or

(c) a mortgage mentioned in Section 7,

(d) a transfer for charitable or religious purposes or both without reservation of any pecuniary benefit for any individual, or

(e) a transfer of land in favour of a bargadar in respect of such land if after such transfer, the transferee holds as a raiyat land not exceeding one acre (or 0.4047 hectare) in area in the aggregate.

Explanation. - All orders passed and the consequences thereof under Sections 8, 9 and 10 shall be subject to the provisions of Chapter IIB.

(3) Every application pending before a Revenue Officer at the commencement of Section 7 of the West Bengal Land Reforms (Amendment) Act, 1972 shall, on such commencement, stand transferred to, and disposed of by, the Munsif having jurisdiction in relation to the area in which the land is situated and on such transfer every such application shall be dealt with from the stage at which it was so transferred and shall be disposed of in accordance with the provision of this Act, as amended by the West Bengal Land Reforms (Amendment) Act, 1972.

22. Perusal of the above provision of law makes it clear that "transfer" of a plot of land in the above-quoted context presupposes a valid transfer only. It simply cannot mean a "transfer" not valid in the eyes of law. Transfer of an immovable property, by way of execution of deed of sale without valid registration of the same being complete under the relevant provisions of Indian Registration Act, 1908, would be squarely hit by the provision of Section 49 therein, which reads as follows:

49. Effect of non-registration of documents required to be registered. - No document required by Section 17 or by any provision of the Transfer of Property Act, 1882 (4 of 1882), to be registered shall-

- (a) affect any immovable property comprised therein, or
- (b) confer any power to adopt, or
- (c) be received as evidence of any transaction affecting such property or conferring such power,

unless it has been registered:

Provided that an unregistered document affecting immovable property and required by this Act or the Transfer of Property Act, 1882 (4 of 1882), to be registered may be received as evidence of a contract in a suit for specific performance under Chapter II of the Specific Relief Act, 1877 (3 of 1877), or as evidence of any collateral transaction not required to be effected by registered instrument.

23. Registration of a document shall be deemed to be complete only upon completion of the required formalities as stated in Section 61 of the Registration Act, 1908, which reads as follows:

61. Endorsements and certificate to be copied and document returned. - (1) The endorsements and certificate referred to and mentioned in Sections 59 and 60 shall thereupon be copied into the margin of the Register book and the copy of the map or plan (if any) mentioned in Section 21 shall be filed in Book No. 1.

(2) The registration of the document shall thereupon be deemed complete, and the document shall then be returned to the person who presented the same for registration, or to such other person (if any) as he has nominated in writing in that behalf on the receipt mentioned in Section 52.

24. The analogy of reasoning derived from the above-quoted statutory provisions found its place in a Division Bench judgment of this Court in Satish Chandra Kulia's case (supra), wherein it was observed, inter alia, that limitation as provided u/s 8 of the West Bengal Land Reforms Act, 1955, will run from the date of registration of the document and not from the date of execution of the document. The Division Bench in Satish Chandra Kulia relied on an earlier Division Bench judgment of this Court rendered in Gosto Behari Das Vs. Smt. Rajabala Dei and Another, , which was a case concerning interpretation of Section 26F of the Bengal Tenancy Act (VIII of 1885). In Gosto Behari Das, the Division Bench considered the applicability of Section 26F of the Bengal Tenancy Act in the backdrop of the provision of Section 47 of the Registration Act, 1908 and was of the opinion that there was a special fact which justified the view that a person, claiming to preempt on the basis of himself having become a co-sharer by a recent purchase, can do so only after his own document had been registered. The Bench, however, in the facts of that case, went on to observe that u/s 26F of the Bengal Tenancy Act, the right of the co-sharers to pre-empt arose on the day when the kobala of Rajabala, being the opposite No. 1 therein, was registered and therefore, putting it in another way, it further observed that all persons claiming to be entitled to pre-empt would have to be co-sharers on that day and not later. Thus, the date of accrual of the right of pre-emption was not from the date of execution of the deed of sale or any other date, but the date when the deed of sale was registered and the title effectively passed (emphasis supplied by this Court). The Division Bench, in Satish Chandra Kulia, however, went on to further observe that if the proposition that limitation will run from the date of execution of the document and not from its registration was accepted to be correct, the right of pre-emption may be easily defeated by a purchaser intentionally presenting his document of transfer for registration after expiry of four months from the date of execution of the same (emphasis supplied by this Court).

25. Gosto Behari Das was also followed in a latter judgment rendered by a Single Bench of this Court in Sri Gadadhar Ghosh v. Sri Srishthidhar Ghosh and Anr. (supra) wherein it was held, inter alia, that it was now a settled law that an application for pre-emption filed before the completion of registration was not maintainable.

26. The judgment rendered by a Single Bench of this Court in Tapan Krishna Das's case (supra) cited by the learned Advocate for the petitioners, therefore, cannot be of much assistance, in view of the clear law laid down by two Division Benches and a Single Bench of this Court, as referred hereinabove. In any event, the facts of that case are wholly distinct from the instant case. In Tapan Krishna Das, the Court was considering an order passed by the First Appellate Court below, which, according to the learned Single Judge, was very keen to consider whether the adjoining co-owner was entitled to have a right of pre-emption, in view of a judgment reported in Smt. Bula Kundu Vs. Sri Nirmal Kumar Kundu and Another, . It was in that context that the Court, in Tapan Krishna Das observed,

inter alia, to the effect that no thought had been given by the First Appellate Court in respect of the maintainability of the application beyond the period of limitation or the same being at a premature stage and such a point could not have been ignored. Thereafter, the Court considered the case on facts and held that this crucial aspect of the matter had been totally ignored by the First Appellate Court, which had come to a wrong conclusion only on the basis of the right of the owner of the adjacent land. The learned Judge, considering the matter in its totality, set-aside the impugned order by observing that the First Appellate Court disposing the matter finally, had proceeded in a wrong premise.

27. In any event, in the instant application it is no one's case that the date of registration is being couched as the date of transfer. What is germane in the instant case is whether transfer of an immovable property by way of execution of a deed of sale/transfer would, by itself, give right to a person to seek pre-emption u/s 8 of the West Bengal Land Reforms Act, 1955, if registration of the same is not complete under the relevant provision of the Registration Act, 1908. In this regard, reference may be made to a judgment rendered by Chittatosh Mookerjee, J. in *Malay Kumar Bera v. Rabindra Nath Bera* reported in 1977 (1) CLJ 92. His Lordship, following the decision of the Supreme Court of *Hiralal Agrawal etc. Vs. Rampadarath Singh and Others, etc.*, observed that the right of pre-emption u/s 8 accrued only on the completion of registration of the deed under the Registration Act, 1908.

28. In *Rangalal Mondal v. Sudarsan Burman* (supra), which has been cited by the learned Advocate appearing on behalf of the opposite party No. 1, another Single Bench of this Court following two decisions of the Supreme Court including *Hiralal Agarwal's* case (supra), as well as two decisions of this Court, including the one referred hereinabove, observed, inter alia, that the period of limitation for exercising the right of pre-emption, as prescribed u/s 8 of the West Bengal Land Reforms Act, 1955, would operate from the date when the registration of the deed of transfer was completed.

29. From the discussion of law laid down by the Courts, as referred hereinabove, it is patently clear that accrual of cause of action for the purpose of seeking pre-emption u/s 8 of the West Bengal Land Reforms Act, 1955 can only arise once the registration of a deed of transfer is complete. In other words, the date of accrual of the right of seeking pre-emption is not the date of execution of the deed of sale/transfer or for that matter any other date, but only the date when registration of such transfer becomes complete. It is, therefore, of no consequence if any application was made seeking pre-emption by virtue of execution of six separate deeds of transfer, without registration of the same being completed under the provisions of the Registration Act, 1908. Such application, even if made, could not be entertained by any court of competent jurisdiction, being premature in nature.

30. In the facts of the instant case, the transfer of the plot-in-question was made by six separate deeds executed on different dates. However, the said deeds were

all registered on single date, i.e., on 07th October, 1982. The law on the subject being clear, there is no manner of doubt left in the mind of this Court that accrual of cause of action to seek pre-emption, in the facts of the instant case, would be the date of completion of registration and the time-period of limitation, as envisaged u/s 8 of the West Bengal Land Reforms Act, 1955, will run from that date only and not from the date or dates the deeds of transfer were actually executed. The issue with regard to whether a single composite application u/s 8 of the West Bengal Land Reforms Act, 1955, is maintainable, thus, becomes merely technical in nature and certainly not a legal issue of any consequence. However, even that aspect of the matter appears to have been considered and legal answer has been given in more than one judgment of this Court. In Samarendra Jana's case (supra), a Single Bench of this Court following an earlier Division Bench judgment of this Court, rendered in Jyotish Chandra Sardar v. Hira Lal Sardar reported in ILR 1971 (1) Cal 213, observed as follows:

...Moreover, the point seems to have been concluded by a decision of a Division Bench of this Court reported in ILR 1971 (1) Calcutta 213. It was held in that case (at page 223) "the contention that the application was bad as it contained three prayers of pre-emption in respect of three different transfers has really no substance at all. The transfers being made in favour of the same person and in respect of different portions of the same holding, it was quite appropriate that the three causes of action, arising out of these transfers, should be joined in the same petition". It is unnecessary to add anything to what has been so clearly stated in that decision. Moreover, the provisions 1 of Section 99 C.P.C. are there which enjoin upon the court not to interfere in case of any misjoinder of parties or causes of action unless the merit of the case or the jurisdiction of the court is affected....

31. Again, in Sadhan Chandra Samanta (supra), a Division Bench of this Court had an occasion to rely on the earlier Division Bench judgment of this Court rendered in Jyotish Chandra Sardar. In Sadhan Chandra Samanta, the Division Bench went on to observe as follows:

...Even assuming the application u/s 8 of the West Bengal Land Reforms Act was defective by reason of mis-joinder of parties, the same did not affect the merits of the decision made by the Learned Additional District Judge. The court in which the pre-emption application was filed, undoubtedly, had jurisdiction to entertain the same. Therefore, the principles embodied in Section 99 of the CPC would be attracted to the present case and we are not prepared to reverse the decision complained of merely on the ground of mis-joinder of parties. In the instant case the right of both the applicants for preemption arose from the same act or transaction by way of transfer in favour of the present petitioner who was a stranger purchaser. Both the applicants claimed right to pre-emption as owners of contiguous plots. Therefore, if they had filed separate applications u/s 8 of the West Bengal Land Reforms Act, common questions of law and fact would have arisen....

32. The Court in Sadhan Chandra Samanta further observed:

...Secondly, in such an event the court would be called upon to decide of the two who had possessed land having the longest common boundary with the land transferred. Therefore, even if separate applications u/s 8 were filed, it would have been necessary to analogously try the same and also to decide who had the preferential right to pre-empt the transfer in favour of the stranger purchaser. For the foregoing reasons, we hold that there was no mis-joinder by reason of the two applicants jointly making the application u/s 8 of the West Bengal Land Reforms Act. Alternatively, such joinder did not affect the merits of the case or the jurisdiction of the Court....

33. The law could not have been more succinctly expressed. Based on the above discussion of law, I am of the opinion that, in the facts and circumstances of the instant case, a single composite application u/s 8 of the West Bengal Land Reforms Act, 1955, was maintainable in respect of six separate deeds pertaining to the same plot of land executed on various dates, by virtue of the said deeds of sale/transfer being registered on a single date, i.e., on 07th October, 1982. As observed earlier, simply executing deeds of transfer on various dates in respect of transfer of a single plot of land, cannot give rise to any cause of action for seeking right of pre-emption u/s 8 of the West Bengal Land Reforms Act, 1955. Cause of action, in such a case, accrues only when registration is complete, in respect of those deeds of transfer executed on various dates, under the relevant provision of the Registration Act, 1908.

34. In such circumstances, the impugned order does not suffer from such palpable infirmity or gross error of law which would warrant interference of this Court in exercise of its jurisdiction under Article 227 of the Constitution of India.

35. The instant application, thus, stands dismissed.