

Government of West Bengal

Department of Land & Land Reforms and Refugee Relief & Rehabilitation
Land Policy Branch
NABANNA
325, Sarat Chatterjee Road
P.O. Shibpur, Howrah-711102

Memo No: 2041(22) - LP/5M-31/21

Dated: 25-08-2021

From : The Additional Secretary to the Govt. of West Bengal

To : The ADM and DL&LRO (All Districts)

.....

Sub : Alienation of Private Debuttore Land

With reference to the above and the resolution of the meeting held on 11.1.2021 in this department, the undersigned is directed to state that the matter was referred to the Ld. Legal Remembrancer, WB and after careful consideration of the matter and the orders of different courts, it has been opined that no permission is required in case of alienation of private debuttore properties by sebit for legal necessity and for the benefit of the deity. A copy of the observation of Ld. LR, WB dated 22.02.2021 is enclosed herewith.

This is for his information and necessary actions.

Encl: As stated.

DESPATCHED

Signature.....
Date..... 25/08/2021

Additional Secretary
to the Government of West Bengal

o/e

The undersigned is dealing with a dispute regarding sale of **debuttore property** created by a deed of dedication. It is settled that neither the provisions of Trust Act nor that of Guardians and Wards Act are applicable in case of **private debuttore properties**.

In accordance with Indian law, any property absolutely Hindu Religious or charitable purpose is called **debuttore property**. It means literally belonging to deity. Manager of the said property is called shebait. But the property vests in the idol.

Latest observation in the case of Smt. Sakuntala Debi Dalmia and Anr. -Vs- Howrah Municipal Corporation & Ors. (W.P. No. 9660 of 2006), is that for transfer of **debuttore property**, there is no need to obtain permission or leave of the District Judge when the transfer is **essential** and there is legal necessity for the same.

It was further held that warrant for entering into any transaction on behalf of the deity for sale of **debuttore properties** can only be raised or questioned by one claiming interest in the property, such as any successor to the office of the shebait or any other person claiming interest in the property. No one else has the right to question the sale of **debuttore property** if it was for the **benefit** of the deity.

In the aforesaid view of the matter, undersigned is of the opinion that no permission is required in case of alienation of private debuttore **properties** by shebait for legal necessity and for the benefit of the deity.

(Bibhas Ranjan De)
L.R., W.B.
Dt. 22.02.2021

L.R.C.

LAB
SRO

no need to communicate it. 24/2
discuss.
25.2.2021.

Discussed and a synopsis of draft is put at.

It can be better drafted.
3.3.2021.

LAB
SRO
LAB

A/Copier

original

12/3/21