



## BRAINWARE UNIVERSITY

**Term End Examination 2023-2024**

**Programme – LL.B.-2021**

**Course Name – Land Laws**

**Course Code - LLB601**

**( Semester VI )**

**Full Marks : 60**

**Time : 2:30 Hours**

[The figure in the margin indicates full marks. Candidates are required to give their answers in their own words as far as practicable.]

### **Group-A**

(Multiple Choice Type Question)

1 x 15=15

1. *Choose the correct alternative from the following :*

- (i) Which of the following are the features of the rights of a raiyat over his plot of land?
  - a) The rights is transferable
  - b) The right is inheritable
  - c) Both a and b
  - d) Neither a nor b
- (ii) Which section of the West Bengal Land Reforms Act, 1955 lays down restrictions upon raiyat to hold land in excess of the ceiling area?
  - a) Section 14P
  - b) Section 14L
  - c) Section 14K
  - d) Section 14G
- (iii) Choose the modes by which a bargadar can terminate his right of cultivation under the West Bengal Land Reforms Act, 1955.
  - a) By surrendering
  - b) By voluntarily abandoning
  - c) Both a and b
  - d) It cannot be terminated by the bargadar
- (iv) A raiyat belonging to a Schedules Tribe wishes to gift his plot of land. Infer the person who is eligible to receive the same.
  - a) Any person
  - b) Person belonging to a Scheduled Tribe
  - c) Such transfer is not permitted under any circumstance
  - d) Any person but with the prior permission of the Collector
- (v) A raiyat has a married adult son. The son's wife holds a plot of land as a raiyat. Infer whether the latter comes within the purview of the definition of "family" or not under Section 14K of the West Bengal Land Reforms Act, 1955.
  - a) Yes, the son shall be deemed to be family
  - b) No, the son shall not be deemed to be family
  - c) Only the son shall be deemed to be family
  - d) Only the wife shall be deemed to be family
- (vi) Outline the obligations of the landlord as listed under the West Bengal Premises Tenancy Act, 1997 among the following.
  - a) Give receipt of payment of rent
  - b) Demand premium for giving consent to sub-tenancy

- c) Inspect the premises whenever he wishes      d) Both a and d
- (vii) Outline the state which is the first to have adopted the Model Tenancy Act, 2021.
- a) West Bengal      b) Assam  
c) Maharashtra      d) Rajasthan
- (viii) A raiyat transfers his plot of land to a person. Outline the individual among the following who shall have a preferential right of transfer.
- a) Bargadar      b) Co-sharer of a raiyat  
c) Raiyat possessing adjoining land      d) No such right exists
- (ix) Select one of the following which could be included within the ambit of the word "premises" under the Tenancy Act, 1997.
- a) Cinema Hall      b) Market consisting of building, shades, stalls  
c) Bare land      d) Fittings or fixtures affixed by the landlord
- (x) Identify the core ingredient to prove the existence of a tenancy or sub-tenancy.
- a) Mere right to occupy      b) Right to occupy in lieu of payment of rent  
c) Mere form of presence      d) None of the mentioned
- (xi) A tenant has surrendered the tenancy but does not give up possession of the tenanted premises to the landlord. Identify the right of the landlord in such circumstance.
- a) The landlord is not entitled to recover the possession      b) The landlord is entitled to recover the possession  
c) The landlord shall have no remedy unless the tenant voluntarily gives the possession      d) The tenancy shall stand terminated
- (xii) Choose the option which does not correctly defined the term 'review'.
- a) Reconsider      b) Re-examine  
c) Revising      d) Look again
- (xiii) Identify the appointing authority of the Controller under the Premises Tenancy Act, 1997.
- a) Union Government      b) High Court  
c) State Government      d) District Magistrate
- (xiv) A bargadar has left behind three lawful heirs who failed to determine as to who shall inherit the right to cultivate the land. The prescribed authority also failed to determine the heir who shall continue the cultivation. Choose the person entitled to nominate as to who shall cultivate the land.
- a) Collector      b) Raiyat  
c) The land shall remain uncultivated      d) The land shall vest in the State Government
- (xv) Recall the state where Operation Barga was introduced.
- a) Assam      b) Odisha  
c) West Bengal      d) Rajasthan

### Group-B

(Short Answer Type Questions)

3 x 5=15

2. P's land is cultivated by A as a bargadar. P refuses to accept the share of the produce tendered to him by A. Apply the suitable provisions of the West Bengal Land Reforms Act, 1955 to identify the next course of action available to the bargadar. (3)
3. A tenant of the first floor of a building approached the court seeking relief to compel the landlord to allow him car parking in the compound of the ground floor. Interpret whether such car parking comes within the purview of the essential supply and service which is required to be maintained by the landlord. (3)
4. List the objectives of the land reforms as introduced through the West Bengal Land Reforms Act, 1955. (3)
5. Infer whether the following are instances of sub-letting or not: i. A tenant permanently shifted his residence elsewhere leaving the premises to be occupied by his uncle exclusively. (3)

- ii. Tenant has taken the tenancy to carry on personal business of shop. Subsequently, a society has been formed to carry on diverse activities from the said premises, iii. A tenant keeps paying guests in the residential premises.
6. A sold his property to B, but the sale deed mentions Y as the purchaser. Explain as to who shall be deemed to be the owner by referring to the suitable provisions of the West Bengal Apartment Ownership Act, 1972. (3)

**OR**

The West Bengal Apartment Ownership Act, 1972 states that use of premises by a tenant for a purpose other than for which it was let out is a ground for ejectment. Determine, in the given cases, whether they constitute such change and a probable case for ejectment by referring to the appropriate provisions of the Act: a. The premises has been taken on tenancy only for the purpose of residence but was used both for residence and godown b. The tenanted premises consist of three rooms. The tenancy was granted for commercial-cum-residential premises. Two rooms at the front were let out for commercial purposes, third room at the back was let out for residential purposes. However, the tenant used the front two rooms for residence and the back room for business. c. The premises is let out for commercial purposes. Th tenant changed the trade from sale of shoes and leather goods to one for selling ready-made garments.

**Group-C**

(Long Answer Type Questions)

5 x 6=30

7. Identify: a. whether a pre-emptive right can be relinquished. b. whether a joint application filed by two contiguous raiyats under Section 8 of the Act making common deposit of purchase price and compensation is maintainable or not. (5)
8. Explain the obligations of tenants under the West Bengal Premises Tenancy Act, 1997. (5)
9. Analyse the tests which aids to determine whether the occupier is a licensee or tenant. (5)
10. Examine whether the following amount to act of waste resulting in material deterioration of the condition of the premise as mentioned under Section 6(1)(h) of the West Bengal Premises Tenancy Act, 1997: a. The tenant constructed a lintel roof over all the shops by removing their original roof, removed intervening all partition walls and the doors of the shops. b. A tenant made unauthorised construction and put up some machines without written permission of the landlord. The premise was acquired for the purpose of running a showroom-cum-office. c. a shop with verandah was let out to the tenant. The verandah was covered by construction of walls on two sides and rolling shutter in front and original door was also removed. (5)
11. Categorize the grounds (any five) which can be raised by a landlord for instituting a suit for eviction of the tenant. (5)
12. Appraise the role of the Association of Apartment Owners in the West Bengal Apartment Ownership Act, 1972. (5)

**OR**

Infer an understanding of the Declaration's significance in the West Bengal Apartment Ownership Act, 1972. (5)

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