



BRAINWARE UNIVERSITY

Term End Examination 2023-2024

Programme – BBA LL.B.-2019

Course Name – Land Laws

Course Code - BBALLB802

(Semester VIII)

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) Select the option which has been included under the definition of 'land' as per Section 2(7) of the West Bengal Land Reforms Act, 1955:

- | | |
|---|-------------------------------------|
| a) Tank, Tank-fishery, fishery, homestead | b) breeding, poultry farming, dairy |
| c) Land having sariati interests | d) All of the mentioned |

(ii) Choose the permitted purpose of holding land by a raiyat under the West Bengal Land Reforms Act, 1955:

- | | |
|------------------------|---------------------------|
| a) Commercial purpose | b) Agriculture purpose |
| c) Residential purpose | d) Any purpose whatsoever |

(iii) Choose the person who, under the system generally known as adhi, barga or bhag, cultivates the land of another person on condition of delivering a share of the produce of the land:

- | | |
|--------------------------|-------------|
| a) Raiyat | b) Bargadar |
| c) Co-sharer of a raiyat | d) Barga |

(iv) Which of the following is the feature 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 |

(v) Outline the correct distinction in the transferability rights of a raiyat to a land and a bargadar's right to cultivate the land:

- | | |
|---|---|
| a) The rights of a raiyat is transferable but the bargadar's rights is not transferable | b) The rights of a raiyat is not transferable but the bargadar's rights is transferable |
| c) The rights of both the raiyat and bargadar are not transferable | d) The rights of both the raiyat and bargadar are transferable |

(vi) Choose the land among the following which is exempted from the payment of revenue under the West Bengal Land Reforms Act, 1955:

- | | |
|---|--|
| a) Land owned by the Central and State Government | b) Land held by the Government sponsored educational institution |
|---|--|

- c) Either a or b
d) Both a and b
- (vii) Choose the people among the following who are permitted to represent any party to a dispute under Chapter III of the WBLR Act, 1955:
- a) Any relative of the party
b) A representative of the association to which the party belongs
c) Both a and b
d) Advocate or legal practitioner
- (viii) Choose the correct option: According to Section 15 the Apartment Ownership Act of 1972, when the property of a person is charged for securing certain payments, eg. maintenance it is simply securing _____ out of his property.
- a) Professional obligation
b) Personal obligation
c) Temporary obligation
d) Unlawful obligation
- (ix) Identify the correct state, which is the first to have adopted the Model Tenancy Act, 2021:
- a) West Bengal
b) Assam
c) Maharashtra
d) Rajasthan
- (x) Section 44 of the West Bengal Premises Tenancy Act, 1997 bars jurisdiction of civil courts in respect of certain matters. Identify the correct nature of these matters from the following given options:
- a) Fixation of fair rent in relation to premises to which W.B.P.T Act applies
b) Any other matter which the controller is empowered by this Act to decide
c) Grant of injunction by the controller under this Act
d) All of the mentioned
- (xi) Identify the power of the Revenue Officer under the West Bengal Land Reforms Act, 1955 among the given options:
- a) Set aside improper transfers by raiyat
b) Waive off taxes
c) Peruse documents
d) All of the mentioned
- (xii) Choose one which for the purpose of assessment of municipal rates and taxes, each apartment shall be deemed to be a ____.
- a) Consolidated unit
b) Common unit
c) Separate unit
d) None of the mentioned
- (xiii) The Calcutta High Court had held that rent has to be reasonable to both the landlord and the tenant. Identify the suitable judgement among the given options:
- a) Subramaniam V. Rajaram
b) Ekin Box Mondal V. Dharam Pal
c) Debabrata Mukherjee v. Arup Guha
d) Priyabala Ghosh v. Bajranglal Singhanian
- (xiv) There is a dispute for the place for storing and threshing produce from the plot of land. Infer the suitable person who is authorised to decide the place in such circumstances:
- a) Bargadar
b) Raiyat
c) Raiyat after giving a notice to the bargadar
d) Bargadar after giving a notice to the raiyat
- (xv) Outline the remedy available to tenants where the landlord obtains delivery of possession of premises for the prescribed ground under the Tennacy Act, 1997:
- a) Restoration of possession
b) Compensation
c) Both a and b
d) Neither a nor b

(Short Answer Type Questions)

$$3 \times 5 = 15$$

2. Define the term 'tenant' under the West Bengal Premises Tenancy Act, 1997. (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. Explain 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. Identify the status of a deserted wife of a tenant to be impleaded in the suit for eviction by the landlord. (3)
5. Illustrate the grounds on which a cultivation by bargadar may be terminated. (3)
6. Examine whether fair rent can be fixed on consent between the landlord and the tenant under the West Bengal Premises Tenancy Act, 1997. (3)

OR

P's land is cultivated by A as a bargadar. P refuses to accept the share of the produce tendered to him by A. Examine the suitable provisions of the West Bengal Land Reforms Act, 1955 to identify the next course of action available to the bargadar. (3)

Group-C

(Long Answer Type Questions)

5 x 6=30

7. Explain the obligations of tenants under the West Bengal Premises Tenancy Act, 1997. (5)
8. List the persons who shall not be raiyat for the purpose of the West Bengal Land Reforms Act, 1955. (5)
9. Explain 'sub-tenancy' and identify its features through case laws. (5)
10. Evaluate the grounds (any five) which can be raised by a landlord for instituting a suit for eviction of the tenant. (5)
11. Evaluate the concept of liability for unpaid common expenses under the West Bengal Apartment Ownership Act, 1972 (5)
12. Several apartment owners wish to submit their property to the provisions of the West Bengal Apartment Ownership Act, 1972. Examine the procedure of such submission with reference to the suitable provisions of the Act. (5)

OR

"Benamdar of an apartment owner is deemed to be the real owner thereof." Analyse the statement. (5)
