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PART III—Acts of the West Bengal Legislature
GOVERNMENT OF WEST BENGAL
LEGISLATIVE DEPARTMENT
NOTIFICATION

10-L.—12th July, 1973.—The following Act of the West Bengal Legislature, having been assented to by the President, is hereby published for general information:—

West Bengal Act XXXIII of 1973
THE WEST BENGAL ESTATES ACQUISITION
(SECOND AMENDMENT) ACT, 1973.

[Passed by the West Bengal Legislature.]

[Assent of the President was first published in the *Calcutta Gazette, Extraordinary*, of the 12th July, 1973.]

An Act to amend the West Bengal Estates Acquisition Act, 1953.

WHEREAS it is expedient to amend the West Bengal Estates Acquisition Act, 1953, for the purposes and in the manner hereinafter appearing;

West Ben.
Act I of
1954.

It is hereby enacted in the Twenty-fourth Year of the Republic of India, by the Legislature of West Bengal, as follows:—

Short title. 1. This Act may be called the West Bengal Estates Acquisition (Second Amendment) Act, 1973.

Amendment of section 7 of West Ben. Act I of 1954. 2. In the West Bengal Estates Acquisition Act, 1953 (hereinafter referred to as the said Act), for the proviso to sub-section (1) of section 7, the following proviso shall be substituted, namely:—

“Provided that where the intermediary agrees in writing that the whole of the compensation money payable to him including the amount recovered by the State Government under the provisions of section 9, if any, may be adjusted against the arrears recoverable from the intermediary under this sub-section, no other mode of recovery shall be adopted for the recovery of any such arrears, except the balance, if any, remaining due after such adjustment, and suits and proceedings, if any, pending for the recovery of any such arrears shall remain stayed until such adjustment has been made.”

*The West Bengal Estates Acquisition (Second Amendment)
Act, 1973.*

(Sections 3—5.)

Amend-
ment of
section 44.

3. In sub-section (4) of section 44 of the said Act, the words "until it is proved by evidence to be incorrect" shall be omitted.

Omission
of section
46.

4. Section 46 of the said Act shall be omitted.

Insertion
of new
section
57B.

5. After section 57A of the said Act, the following section shall be inserted, namely:—

"Bar to jurisdiction of Civil Court in respect of certain matters. 57B. (1) Where an order has been made under sub-section (1) of section 39 directing the preparation or revision of a record-of-rights, no Civil Court shall

entertain any suit or application for the determination of rent or determination of the status of any tenant or the incidents of any tenancy to which the record-of-rights relates, and if any suit or application; in which any of the aforesaid matters is in issue, is pending before a Civil Court on the date of such order, it shall be stayed, and it shall, on the expiry of the period prescribed for an appeal under sub-section (3) of section 44 or when an appeal has been filed under that sub-section, as the case may be, on the disposal of such appeal, abate so far as it relates to any of the aforesaid matters.

(2) No Civil Court shall entertain any suit or application concerning any land or any estate, or any right in such estate, if it relates to—

(a) alteration of any entry in the record-of-rights finally published, revised, made, corrected or modified under any of the provisions of Chapter V,

(b) a dispute involving determination of the question, either expressly or by implication, whether a *raiyat* or an intermediary, is or is not entitled to retain under the provisions of this Act such land or estate or right in such estate, as the case may be, or

(c) any matter which under any of the provisions of this Act is to be, or has already been, enquired into, decided, dealt with or determined by the State Government or any authority specified therein,

and any such suit or application which is pending before a Civil Court immediately before the commencement of the West Bengal Estates Acquisition (Second Amendment) Act, 1973, shall abate so far as it relates to all or any of the matters referred to in clause (a), clause (b) or clause (c).

(3) Any dispute referred to in clause (b) of sub-section (2) may be decided by a Revenue Officer not below the rank of an Assistant Settlement Officer, specially empowered by the State Government in this behalf, who shall dispose of the same in such manner as may be prescribed:

Provided that in deciding a dispute under this sub-section the Revenue Officer shall not re-open any matter which has already been enquired into, investigated, determined or decided by the State Government or any authority under any of the provisions of this Act.

*The West Bengal Estates Acquisition (Second Amendment)
Act, 1973.*

(Section 5.)

- (4) Any person aggrieved by a decision of the Revenue Officer made under sub-section (3) may appeal to the prescribed authority not below the rank of a Settlement Officer, within such time, in such manner and subject to payment of such fees as may be prescribed.
- (5) A decision made by the Appellate Authority under sub-section (4) shall be final.

Explanation.—In this section—

- (i) suit includes an appeal, and
- (ii) an authority includes an authority to hear an appeal.”.

By order of the Governor,
K. K. MOITRA,
Secy. to the Govt. of West Bengal.