

**33-A MANAGEMENT OF GOVERNMENT KHAS AND VESTED LANDS**

SETOUT Bengali Matter

**[ See Separate Pagemaker File ]**

<http://wblroa.in>

**Government of West Bengal**  
**Land Utilization and Reforms and Land and Land Revenue Department**  
**Land Reforms Branch**

**NOTIFICATION**

No. 2146-L.Ref.

Dated, Calcutta, the 1<sup>st</sup> June, 1979

In exercise of the power conferred by section 60 of the West Bengal Land Reforms Act, 1955 (West Bengal Act X of 1956), the Governor is pleased hereby to make after previous publication as required by sub-section (1) of the said section, the following amendments in the West Bengal Land Reforms Rules, 1965, as subsequently amended (hereinafter referred to as the said rules), namely :

**AMENDMENTS**

In the said rules, in rule 20(A), after sub-rule (3a), insert the following sub-rule :-

“(3b) (i) The Collector or the Additional District Magistrate or the Sub-divisional Officer, within whose jurisdiction the land is situate, shall deliver possession of the land to the person with whom it has been settled, and if necessary after evicting the person in actual occupation of such land in the manner laid-down in sub-section (3) of section 49;

Provided that the person aggrieved by such eviction may, within thirty days from the date of eviction, make an application for restoration of possession before the Collector or the Additional District Magistrate or the Sub-divisional Officer, under whose order he was evicted, on the ground that he was entitled to maintain his possession as against the person with whom possession has been delivered.

(ii) The Collector or Additional District Magistrate or the Sub-divisional Officer, as the case may be, shall within fifteen days from the date of such application, hear both the parties after affording them opportunity to adduce evidence, in support of their respective claims and upon consideration of the evidence that may be adduced, shall record his findings on the dispute. If he finds that the person evicted had the right to possession of the land against the person with whom the land had been settled, he shall forthwith direct restoration of possession of the land to the applicant. In case he finds otherwise, he shall forthwith dismiss the application.

(iii) Such order of the Collector or Additional District Magistrate or the Sub-divisional Officer, as the case may be, shall be final”.

By order of the Governor,

D. Bandyopadhyay  
Secy. to the Govt. of West Bengal

No.2147(111)-L.Ref.

Calcutta, the 2<sup>nd</sup>/6<sup>th</sup> June, 1979

Copy forwarded for information and necessary action in continuation of this Department Memorandum No. 1867 (111)-L.Ref., dated 10<sup>th</sup> May, 1979 to the-

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6. Settlement Officer, Koch Behar-Jalpaiguri-Darjeeling at Koch Behar.

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Sd/- Illegible  
Special Officer (Law) & Joint  
Secretary (ex-officio) to the  
Government of West Bengal.

**Government of West Bengal  
Land Utilization and Reforms and  
Land and Land Revenue Department  
Civil Rule Branch**

No.9847(18)CR/Misc.-84/'79,

Dated, Calcutta, the 28<sup>th</sup> November, 1979

To : The Additional District Magistrate (L.R.)

Sub : Annulment of settlement of vested land – Officers empowered under sub-section (2) of section 49 of the West Bengal Land Reforms Act.

The undersigned in directed to say that it has been brought to the notice of the Government by the Learned State Advocates that some cases have come up before the Hon'ble High Court where the Junior Land Reforms Officers annulled settlement of vested lands under sub-section (2) of section 49 of the West Bengal Land Reforms Act.

2. In this connection it may be noted that the Sub-divisional Officers and the Additional Sub-divisional Officers have been appointed to discharge the functions of the Revenue Officer under sub section (2) of section 49 ibid within the local limits of their respective jurisdictions – copies of Government Notification No.15952-L.Ref., dated the 26<sup>th</sup> October, 1972 and No. 109-L. Ref. dated the 13<sup>th</sup> January, 1978 are enclosed.

3. All the officers concerned, particularly the Junior Land Reforms Officers, may be so informed.

Sd/- Illegible  
Special Officer (Law) and Joint Secretary  
(ex-officio) to the Government of West Bengal

No. 9847(18)/1(28) C.R.

Calcutta The 28<sup>th</sup>/29<sup>th</sup> November, '79

Copy with copies of enclosures forwarded for information and necessary action to the :-

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Settlement Officer, Koch Behar-Jalpaiguri-Darjeeling at Koch Behar.

Sd/- Illegible  
Special Officer (Law) and Joint Secretary  
(ex-officio) to the Government of West Bengal

**Government of West Bengal  
Land Utilization and Reforms and  
Land and Land Revenue Department  
Land Reforms Branch**

**NOTIFICATION**

No.15952-L.Ref./2A-25/'72,

Dated, Calcutta, the 26<sup>th</sup> October, 1972

In exercise of the power conferred by clause (12) of section 2 of the West Bengal Land Reforms Act, 1955 (West Bengal Act X of 1956), the Governor is hereby pleased to appoint the Sub-divisional Officers to discharge the functions of the Revenue Officer under sub-section (2) of section 49 of the said Act within the local limits of their respective jurisdiction.

By order of the Governor,

D. Basu Ray  
Deputy Secretary

**Government of West Bengal  
Land Utilization and Reforms and  
Land and Land Revenue Department  
Land Reforms Branch**

**NOTIFICATION**

No.109-L.Ref./2A-25/'72,

Dated, Calcutta, the 13<sup>th</sup> January, 1978

In exercise of the power conferred by clause (12) of section 2 of the West Bengal Land Reforms Act, 1955 (West Bengal Act X of 1956), the Governor is pleased hereby to appoint all the Additional Sub-divisional Officers of this State to discharge the functions of the Revenue Officer under sub-section (2) of section 49 of the said Act within the local limits of their respective jurisdiction.

By order of the Governor,  
T.K. Ghosh  
Deputy Secretary

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**Government of West Bengal  
Office of the Board of Revenue, West Bengal  
Section – A (I), G.E. – Branch**

No. 6526(17)-G.E

Dated, Calcutta, the 19<sup>th</sup> June, 1981

To  
The Additional District Magistrate (LR)/  
The Additional Deputy Commissioner (LR),

A reference is invited to Board's Memo No. 397-G.E. dated 12.01.81 to the Director of Land Records and Surveys, West Bengal (Copy being endorsed to Additional District Magistrates/Additional Deputy Commissioner (LR) under Board's Memo No. 397/1(150)-G.E. dated 12.01.81) in connection with the opening of khatians in favour of Bargadars who have become raiyats of the vested land u/s 14S(3) of the West Bengal Land Reforms Act.

The Settlement Wing is required to send the lists of vested lands to the Management Wing for arranging distribution U/S 49 of the West Bengal Land Reforms Act. Such list of vested land should also contain the pieces of land, if any, in respect of which some bargadars have become raiyats U/s 14S(3) ibid and in favour of whom khatians have been opened in accordance with the instructions contained in Board's above mentioned Memo. dated 12.01.81. In order to avoid distribution of such vested land, the Revenue Officer of the Settlement Wing, while sending such lists of vested lands, should also mention specifically the relevant particulars of the plots of vested land, if any, which are not available for distribution owing to the fact that some Bargadars have become raiyats U/S 14S(3) and khatians have also been opened in favour of them. The Junior Land Reforms Officers on receipt of such particulars should take a note of it and see that such lands in respect of which raiyat khatians U/S 14S(3) have been opened, are not taken up for distribution.

2. The Director of Land Records & Surveys, West Bengal and the Settlement Officers are being informed.

A.K. Chakraborty  
Special Officer & (ex-officio)  
Secretary  
Board of Revenue, West Bengal

Memo. No. 6526/1(9)-G.E.

Copy forwarded for information to :

1. ....
2. The Settlement Officer, Koch Behar

A.K. Chakraborty  
Special Officer & (ex-officio)  
Secretary  
Board of Revenue, West Bengal

**Government of West Bengal  
Land and Land Reforms Department  
Land Reforms Branch**

**NOTIFICATION**

No.3252-L.Ref./20R-3/78(Pt.II)

Dated, the 07<sup>th</sup> December, 1981

In exercise of the power conferred by section 60 of the West Bengal Land Reforms Act, 1955 (West Bengal Act X of 1956), the Governor is pleased hereby to make, after previous publication as required by sub-section (1) of the said section the following amendment in the West Bengal Land Reforms Rules, 1965, as subsequently amended (hereinafter referred to as the said Rules), namely :

**AMENDMENT**

In the said rules, in Schedule A,-

In clause 1, after sub-clause (v) of the second proviso add the following sub-clause :

“(vi) that names of persons with whom lands have been settled under section 49 and who have been given pattas shall be recorded as raiyats by the Revenue Officer subordinate to him by opening a khatian for each of them.”

By order of the Governor

D. Bandyopadhyay  
Secy. to the Govt. of West Bengal

No. 3253 (160)-L. Ref.

Copy forwarded for information and necessary action to the :

- 1) to 7) .....
- 8) Settlement Officer, Koch Behar-Jalpaiguri-Darjeeling at Koch Behar
- 9) .....

Sd/- Illegible  
Deputy Secretary to the Govt. of  
West Bengal

●  
**Government of West Bengal  
Office of the Board of Revenue, West Bengal  
Section, AIII, Branch, G.E.(M)**

No.14125(36)-G.E.(M)  
42/85

Dated, Calcutta, the 29<sup>th</sup> Nov. 89

To :

- (1) The District Land and Land Reforms Officer,
- (2) The Collector,
- (3) The Commissioner ..... Division.

It has been pointed out by the Accountant General, West Bengal that due to non-existence of suitable provisions in the Acts/Rules or in the lease form barring sale or transfer of leasehold lands, there is a growing tendency among the lessees to sell lease hold lands for speculation and profit and causing loss of public revenue.

The matter has been examined by the Board and it has been decided that suitable provisions be incorporated in the lease form for prohibiting creation of sub-tenancy and transfer without prior permission.

He is, therefore, requested to add the following clause in the Standard Form of long term lease (Wide Form No. 4 of Appendix-IV of the W.B.L.M. Manual, 1977). “The lessee shall not have the right and liberty to sub-let or in any manner transfer the whole or part of the lease-hold land without the previous sanction of the lessor in writing.”

N. K. Raghupati  
Secretary,  
Board of Revenue, West Bengal.

Memo. No. 14125/1-G.E.(M)

Dated, Calcutta, the 29th Nov. 89.

Copy forwarded for information to the Accountant General (Audit-II), West Bengal, with reference to D.O. No. RA/FIR/LR/COB/84-86/684 dated 6.1.89.

N. K. Raghupati  
Secretary,  
Board of Revenue, West Bengal.

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**Government of West Bengal**  
**office of the Board of Revenue, West Bengal**  
**Section -AI, Branch -GE**

No. 8833-GE  
350/92

Dated Calcutta, the 1<sup>st</sup> October, 1992.

**NOTIFICATION**

In exercise of the power conferred by sub-section (4) of section 49 of the West Bengal Land Reforms Act, 1955 (West Bengal Act X of 1956), the Governor is pleased hereby to appoint all the District Land & Land Reforms Officers in the State of West Bengal to dispose of appeals preferred against any order made under sub-section(2) of section 49 of the said Act within their respective jurisdictions.

This supersedes earlier Notification No.15954-L.Ref. dt. 26.10.72.

By order of the Governor  
K.P. Sandilya,  
Special Secretary, Board of Revenue,  
W.B. & (ex-officio) Jt. Secy. to the Govt.  
of West Bengal, Land & Land Reforms Departments.

No.8834/1(40)-GE

copy forward to :-

- 1-4) \*\*\*\*\*
- 5) The District Land & Land Reforms Officer, North 24-Parganas, Barasat, for information and taking necessary action.

K.P. Sandilya  
Special Secretary,  
Board of Revenue, West Bengal

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**Government of West Bengal**  
**Land and Land Reforms Department**  
**Land Revenue Branch**  
**Writers' Building, Block IV & V (1<sup>st</sup> floor), Calcutta - 700001**

No. 11185-L.R./465/97/GE(M)

Dated Calcutta, the 24<sup>th</sup> December, 1997.

From : Shri S. Bandyapadhyay  
Officer on Special Duty & ex-Officio  
Deputy Secretary to the Govt. of West Bengal

To :  
The Commissioner, Jalpaiguri Division  
Post Office - Jalpaiguri  
District - Jalpaiguri

Subject : Matters relating to long term lease for 99 (Ninety-nine) years

Sir,

I am directed to refer to your D.O. No. 546-IMR, dated 10.09.97 on the subject above and to say that there has been a policy decision to grant lease for a period longer than 30 (thirty) years under Rule

245 of the West Bengal Land and Land Reforms Manual for land to be used for construction of permanent nature like dwelling house, school etc., by charging selami equal to about 95% of the market value and a token rent.

About the realization of damage fee the existing practice, it has been decided, will continue.

Yours faithfully,  
Sd/- Illegible  
Officer on Special Duty  
&  
Ex-officio Deputy Secretary  
to the Govt. of West Bengal

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**Government of West Bengal**  
**Land and Land Reforms Department**  
**L.R.I. (A III) Branch**

No.1427/(40)-GE(M)/188/98-GE(M)

Dated Calcutta, the 9<sup>th</sup> September, 99

From : The Joint Secretary,  
Govt. of West Bengal.

To : The 1) Commissioner, Presidency/Burdwan/Jalpaiguri Division  
2) D.M. & Collector, .....  
3) D.L. & L.R.O. ....

Subject : Guidelines to be followed in the matter of initiation of proposals for allotment/long term settlement of Govt. Land with Associations/ Unions/Organisations.

The undersigned is directed to state that different Associations/Unions/Organisations often approach for allotment/settlement of land at the disposal of the Govt. The question of framing a uniform guideline in the matter of settlement of Govt. land with Associations/Unions/Organisations has been under active consideration of the Govt. in the Land & Land Reforms Deptt. After careful examination it has been decided as follows :

i) Land within an Office Complex will not be settled with any Association/ Union/Organisation;

ii) Any other land may be settled in the usual manner provided the said land is not required for any public purpose. The District Magistrate and the Municipality concerned will have to certify to this effect.

2. All concerned are hereby directed to act strictly in accordance with above mentioned guideline while initiating/recommending settlement proposals with Associations/Unions/Organisations.

P. Bandyopadhyay  
Joint Secretary to the  
Government of West Bengal

No.1427(40/1)-GE(M)

Dated Calcutta, the 9<sup>th</sup> September, 1999.

Copy forwarded to The Director of Land Records & Surveys & Joint Land Reforms Commissioner, West Bengal, Survey Building, 35, Gopal Nagar Road, Calcutta – 27 for information and necessary action.

P. Bandyopadhyay  
Joint Secretary to the  
Government of West Bengal

**Government of West Bengal  
Office of the Director of Land Records and Surveys  
& Joint Land Reforms Commissioner, West Bengal  
35, Gopal Nagar Road, Alipur, Calcutta-27.**

Memo No. 7/2125-2142/C/2000.

Dated, Alipur, the 20<sup>th</sup> April.2000

To  
The District Land & Land Reforms officer,

Please find enclosed a copy of the West Bengal Government Land (Regulation of Transfer) Act, 1993. Section 4 of this act prohibits any registering authority from registering the transfer or lease of any Govt. land whether allowed to be retained U/S 6(3) of the W.B.E.A. Act, in tea garden or mills or factories or land vested under W.B.E.A. Act 1953, W.B.L.R. Act 1955, or land settled on long term settlement U/S 49 of W.B.L.R. Act or land settled U/S 49(1) on raiyati basis. Land schedules of those important lands should be immediately informed to the District Registrar and the Sub-Registrars in the District to bar the transfer of these lands. The undersigned be kept informed of the developments.

Yours sincerely,  
S. Suresh Kumar.  
Director of Land Records and Surveys  
and Joint Land Reforms Commissioner.  
West Bengal.

Memo No. 7/2143-2155/C/2000.

Dated, Alipur, the 20<sup>th</sup> April, 2000

Copy forwarded for information and necessary action to :-

- 1) The Principal Secretary, Land & Land Reforms Department.
- 2) The Joint Secretary, Land & Land Reforms Department.
- 3) Shri A. Brahmachary, ADC, W.B.
- 4) Guard file 'C' Group.

S. Suresh Kumar  
Director of Land Records and Surveys  
and Joint Land Reforms Commissioner.  
West Bengal.

**Government of West Bengal  
Law Department  
Legislative**

**NOTIFICATION**

No. 654-L.-4<sup>th</sup> March, 1997 - The following Act of the West Bengal Legislature, having been assented to by the President of India, is hereby published for general information:-

**West Bengal Act XXVII of 1993  
The West Bengal Government Land  
(Regulation of Transfer) Act. 1993.**

[Passed by the West Bengal Legislature]

[Assent of the President of India was first published in the Calcutta Gazette, Extraordinary of the 4<sup>th</sup> March, 1997]

An Act to provide for the regulation of transfer of Government land and for certain incidental matters.

Whereas it is expedient to provide for the regulation of transfer of Government land leased to persons of different categories of income and different cross-section of people with a view to preventing illegal transfer of such Government land and possession thereof for speculative purpose and ensuring the use of such Government land by persons, eligible for allotment of such Government land, for whom, and for the purpose for which, such Government land is intended and for certain incidental matters:



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

## CHAPTER 1

### Preliminary

1. (1) This Act may be called the West Bengal Government Land (Regulation of Transfer) Act, 1993.
- (2) It extends to the whole of West B
- (3) It shall come into force at once.

Definitions

2. It this Act, unless the context otherwise requires,-
  - (a) "appellate authority" means any authority, not below the rank of District Judge, appointed by the State Government in respect of any Government estate or class of Government estates by notification for the purposes of this Act, and includes different such authorities for different Government estates or different classes of Government estates;
  - (b) "competent authority" means any officer, not below the rank of Deputy Magistrate, appointed by the State Government by notification to perform the functions of the competent authority under this Act in respect of such Government estate or Government estates or class of Government estates or classes of Government estates as may be specified in the notification;
  - (c) "family" has the same meaning as in clause (2) of the Explanation to clause (1) of sub-section (I) of section 13 of the West Bengal Premises Tenancy Act, 1956;
  - (d) "Government estate", in relation to any local area, means an area planned or developed by the State Government or any Government undertaking for residential or commercial purpose or for such other purpose as the State Government or the Government undertaking, as the case may be, may determine;
  - (e) "Government land" means any land comprised in a Government estate;
  - (f) "Government undertaking" means a body corporate constituted by or under a State Act and owned or controlled or managed by the State Government, and includes any company, as defined in section 3 of the Companies Act, 1956, which is under the management of, or in which not less than fifty-one percent of the paid up share capital is held by, the State Government;
  - (g) "land" includes buildings and other things attached to the earth or permanently fastened to anything attached to the earth.

Explanation – "Building" shall include a building under construction;
  - (h) "lease" has the same meaning as in the Transfer of Property Act, 1882;
  - (i) "lessee" includes an individual, a family, a firm, a company, or an association or body of individuals, whether incorporated or not;
  - (j) "notification" means a notification published in the 'Official Gazette';
  - (k) "prescribed" means prescribed by rules made under this Act;
  - (l) "relation" means,-
    - (A) in the case of an individual or family,-
      - (a) any of the two persons who are said to be related to each other so as one is the father, mother, brother or sister of the other, or
      - (b) any of the two persons who are said to be related lo each other by marriage, such as husband and wife,

but does not include-

(i) any of the two persons who are said to be related to each other by half blood when they are descended from a common ancestor but by different wives, or

(ii) any of the two persons who are said to be related to each other by uterine blood when, they are descended from a common ancestress but by different husbands, or

(iii) any of the two persons who are said to be related to each other so as one is the stepfather or stepmother of the other;

(B) In the case of a firm, company or association or body of individuals, whether incorporated or not, any other body corporate under any law for the time being in force or registered or established under any law for the time being in force and compatible with such firm, company or association or body of individuals.

Explanation-In this clause, "ancestor" includes the father and "ancestress" the mother;

(m) "transfer of Government land" includes the transfer of any right, title, interest or possession in such land, either in whole or in part, and also includes the transfer to a tenant or licensee of the right of enjoyment of such land or the transfer of management of such land by an instrument creating a power-of-attorney within the meaning of the Powers-of-Attorney Act, 1882, or by any other Instrument having effect by virtue of any law other than this Act.

Explanation. -"Tenant" shall have the same meaning as in the West Bengal Premises Tenancy Act, 1956.

## **CHAPTER II**

### **Bar to Application of Certain Enactments**

Certain enactments not to apply to transfer of Government land.

**3.** Notwithstanding anything contained in this Act or in any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act, or in any decree or order of any court, tribunal or other authority, nothing contained in the Transfer of Property Act, 1882, or the Indian Contract Act, 1872, or the West Bengal Premises Tenancy Act, 1956, shall apply, or shall be deemed ever to have applied, to any transfer of Government land to a lessee, either by lease or by any other instrument, by or on behalf of the State Government, and such transfer of Government land shall take effect, and shall be deemed always to have taken effect, as if the Transfer of Property Act, 1882, or the Indian Contract Act, 1872, or the West Bengal Premises Tenancy Act, 1956, had not been passed.

Bar to registration of document.

**4.** Notwithstanding anything contained in the Registration Act, 1908, no registering officer shall register any document relating to the transfer of Government land, held by any lessee on lease, in favour of any person, not being the State Government or a Government undertaking, except with the permission granted by the competent authority in writing in this behalf.

Permission by competent authority to be valid notwithstanding anything to the contrary contained in the Act or in any other law.

**5.** Any restriction, condition or limitation contained in the permission as aforesaid shall be valid and shall take effect according to its tenor and intent, notwithstanding anything to the contrary contained in this Act or in any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act, or in any decree or order of any court, tribunal or other authority.

### **CHAPTER III**

#### **TRANSFER OR SALE OF GOVERNMENT LAND**

Bar to transfer of Government land.

**6.** (1) Save as otherwise provided in this Act, no transfer of Government land held on lease by any lessee shall be made in favour of any person, not being the State Government or a Government undertaking.

(2) Any transfer of Government land made by any lessee shall be subject to the provisions of this Act.

Transfer of Government land to relation.

**7.** (1) Notwithstanding anything contained in this Act, a lessee may, for the purpose of transfer of Government land held by him on lease to his relation, make an application to the competent authority in such manner as may be prescribed.

(2) The competent authority shall, on receipt of the application under sub-section (1), cause such enquiry as it thinks fit and shall, after being satisfied that the transfer of such Government land is intended to be made by the lessee in favour of his relation eligible for allotment of such Government land under any scheme of allotment by the State Government of such Government land for the time being in force, grant permission for such transfer on such condition and in such form as may be prescribed.

Transfer of right of enjoyment of Government land to tenant or licensee.

**8.** (1) Notwithstanding anything contained in this Act, a lessee may, for the purpose of transfer of the right of enjoyment of Government land held by him on lease to any person, not being the State Government or a Government undertaking, as a tenant or licensee for a limited period on account of his being unable to undertake the maintenance of any building thereon, make an application to the competent authority in such manner as may be prescribed.

(2) The competent authority shall, on receipt of the application under sub-section (1), cause such enquiry as it thinks fit and shall, after being satisfied that the transfer of the right of enjoyment of such Government land is intended to be made by the lessee in favour of a tenant or licensee, as the case may be, eligible for allotment of such Government land under any scheme of allotment by the State Government of such Government land for the time, being in force, for a limited period on account of the inability of the lessee or his family occupying the building as aforesaid to undertake the maintenance of such building, grant permission for such transfer on such condition and in such form as may be prescribed.

Transfer of management of Government land by instrument creating a power of attorney.

**9.** (1) Notwithstanding anything contained in this Act, a lessee may, for the purpose of transfer of management of Government land held by him on lease to any person, not being the State Government or a Government undertaking, by an instrument creating a power of attorney within the meaning of the Power of Attorney Act, 1882, or by any other instrument having effect by virtue of any law other than this Act, for reasons beyond his control, make an application to the competent authority in such manner as may be prescribed.

(2) The competent authority shall, on receipt of the application under sub-section (1), cause such enquiry as it thinks fit and shall, after being satisfied that the transfer of management of such Government land to such person by the lessee is necessary, grant permission for such transfer in such form as may be prescribed.

Disposal of Government land by lessee.

**10.** (1) Notwithstanding anything contained in this Act, a lessee, who intends to dispose of any Government land held by him on lease for pecuniary or other compelling reasons but who is unable to dispose of such Government land in favour of his relation, may make an application to the competent authority for permission for disposal of such Government land in favour of any person named in the application, not being a relation, in such manner as may be prescribed. A copy of every such application shall be sent by the lessee to the Secretary to the Government of West Bengal, Urban Development Department.

(2) On receipt of the application under sub-section (1), the competent authority may, if it is satisfied after such enquiry as it thinks fit that the reasons stated by the lessee for the disposal of such Government land are cogent and that

the person named in the application is eligible for allotment of such Government land under any scheme of allotment by the State Government of such Government land for the time being in force, and if the State Government does not give any notice to the competent authority within a period of sixty days from the date of the application under sub-section (1) of its intention to exercise the right of pre-emption within a period of one hundred and twenty days from the date of the notice, grant permission for the disposal of such Government land in favour of the person named in the application under sub-section (1) on such condition and in such form as may be prescribed :

Provided that if the State Government exercises the right of pre-emption within the period of one hundred and twenty days as aforesaid-

(a) the building, if any, constructed by the lessee on such Government land shall be taken over by the State Government at such valuation as may be made by the competent authority on the basis of the cost of construction of such building less depreciation at the rate in vogue or at the market value of such building, whichever is less, and

(b) the lease of Government land shall determine upon payment to the lessee the value of such Government land which shall be the amount of salami or premium paid by him to the State Government in consideration of the price thereof and an interest at the rate admissible to the deposit in the savings bank account current at any nationalized bank.

Provided further that in the case of any dispute between the parties in respect of the valuation of the building, such dispute shall be decided by the competent authority and the decision of the competent authority shall be final and binding on both the parties.

Sale of  
Government  
land.

**11.** (1) No court, tribunal or other authority exercising any power of attachment under any law for the time being in force shall proceed to put on sale any Government land held by any person on lease unless if notice in writing has been served upon the State Government in the Urban Development Department, calling upon that Government to exercise the right of pre-emption within a period of sixty days from the date of service of the notice.

(2) If the State Government exercises the right of pre-emption within the period of sixty days as aforesaid-

(a) the valuation of the building, if any, constructed by the lessee on such Government land, and

(b) the value of such Government land (other than building), shall be made or determined, as the case may be in accordance with the first proviso to sub-section (2) of section 10, and upon deposit of the value of such building, if any, and Government land (other than building) with the court, tribunal or other authority as the case may be, the lease of Government land shall determine, and the State Government shall re-enter.

#### **CHAPTER - IV**

#### **Miscellaneous**

Appeal

**12.** (1) Any person aggrieved by any order of the competent authority under section 7, section 8, section 9 or section 10 or by any order regarding valuation made by the competent authority under sub-section (2) of section 11, may prefer an appeal to the appellate authority against such order, within a period of thirty days from the date of communication of the order to him by the competent authority;

Provided that the appellate authority may entertain an appeal preferred after the expiry of the period of thirty days as aforesaid, if it is satisfied that the appellant was prevented by sufficient cause from preferring the appeal within such period.

(2) On receipt of an appeal under sub-section (1), the appellate authority shall, after giving the appellant a reasonable opportunity of being heard, make such order within a period of ninety days from the date of admission of the appeal as it deems fit, and shall communicate the order to the competent authority within seven days from the date of the order.

Revision.

**13.** The State Government may call for and examine any records of any proceedings before the competent authority or the appellate authority within a period of thirty days from the date of the order by the competent authority or the appellate authority, as the case may be, and may make such order thereon as that Government thinks fit. The State Government shall communicate every such order to the appellate authority and the competent authority within fifteen days from the date of the order.

Orders under the Act to be final and not to be questioned in civil court.

**14.** Any order made by-

(a) the competent authority, if not annulled or varied by any order made by the appellate authority under section 12 or by the State Government under section 13, or

(b) the appellate authority, if not annulled or varied by any order made by the State Government under section 13, or

(c) the State Government under section 13,

shall be final and shall not be questioned in any civil court.

Determination of lease.

**15.** (1) Where a lessee makes any transfer of Government land held by him on lease to any person, not being the State Government or a Government undertaking, in contravention of the provisions of this Act, the lease shall determine forthwith, notwithstanding anything to the contrary contained in any instrument in this behalf, and the State Government shall re-enter. If the transferee is in possession of the Government land as aforesaid, the State Government may direct the competent authority to use such force as may be necessary to take possession of the Government land after giving the transferee a notice in writing to vacate such land within a period of thirty days from the date of service of the notice.

Provided that if the lessee or the transferee makes any application to the competent authority within the period of thirty days as aforesaid giving the reasons for such transfer and the competent authority is satisfied that there is prima facie justification for such transfer, it shall cause such enquiry as it thinks fit and shall decide whether or not the transfer has been made in contravention of the provisions of this Act and shall proceed accordingly.

(2) The competent authority shall, while using force to take possession of the Government land under sub-section (1), be deemed to be an Executive Magistrate within the meaning of the Code of Criminal Procedure, 1973.

Submission of annual return.

**16.** (1) Every lessee or his heir or successor or transferee occupying any Government land shall submit an annual return to the competent authority showing such particulars regarding such occupation, in such form and within such period, as may be prescribed.

(2) If, upon the submission of such return, the competent authority is satisfied that the Government land has been transferred in contravention of the provisions of this Act, the provisions of section 15 shall apply to such transfer.

Power of competent authority and appellate authority to summon and enforce attendance of witnesses etc.

**17.** The competent authority and the appellate authority shall, for the purposes of-

(a) summoning and enforcing the attendance of any witness, or

(b) production of any document,

while performing any function or discharging any duty under this Act, have the same powers as are vested in civil court under the Code of Civil Procedure, 1908, while trying a suit.

Power of entry and inspection etc.	<p><b>18.</b> The competent authority or the appellate authority, while performing any function or discharging any duty under this Act, may-</p> <p>(a) at any time between sunrise and sunset and after giving not less than twenty-four hours notice in writing, enter and inspect or authorize any officer subordinate to it to enter and inspect any premises, and</p> <p>(b) by order in writing, require any person to produce for inspection such rent receipts or other documents relevant to the enquiry, at such time and at such place, as may be specified in the order.</p>
Protection of action taken in good faith.	<p><b>19.</b> No suit, prosecution or other legal proceeding shall lie against the State Government or any officer of that Government or the competent authority or the appellate authority or any officer authorized by the competent authority or the appellate authority for anything which is in good faith done or intended to be done under this Act or the rules made thereunder.</p>
Competent authority and appellate authority etc. to be public servants.	<p><b>20.</b> The competent authority and the appellate authority and any officer performing any function or discharging any duty under this Act shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.</p>
Bar to jurisdiction of courts.	<p><b>21.</b> No court shall have jurisdiction to decide or to deal with any question which is required to be decided or dealt with under the provisions of this Act and no court shall have jurisdiction to entertain any suit or proceeding in respect of any such question.</p>
Act to have overriding effect	<p><b>22.</b> The provisions of this Act shall have effect notwithstanding anything to the contrary contained in any other law for the time being in force or in any judgement, decree or order of any court, tribunal or other authority, or in any instrument having effect by virtue of any law other than this Act, or in any contract, express or implied, or in any custom or usage.</p>
Power to relax	<p><b>23.</b> The State Government may, if it considers necessary so to do, dispense with or relax the requirement of any of the provisions of this Act in respect of any Government land to such extent and subject to such conditions as it may deem fit.</p>
Power to make rules	<p><b>24.</b> (1) The State Government may make rules for carrying out the purposes of this Act.</p> <p>(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the matters which under any provision of this Act, are required to be prescribed or to be provided for by rules.</p> <p>(3) Every rule made under this Act shall be laid, as soon as may be after it is made, before the State Legislature, while it is in session, for a total period of thirty days which may be comprised in one session or in two successive sessions.</p>
Power to remove difficulties.	<p><b>25.</b> If any difficulty arises in giving effect to the provisions of this Act, the State Government may make such order, or do such thing, not inconsistent with the provisions of this Act, as appears to that Government to be necessary or expedient for removing the difficulty :</p>

Provided that no such order shall be made after the expiry of a period of two years from the date of publication of this Act in the Official Gazette.

By Order of the Governor  
S. Maitra  
Special Officer & ex-Officio  
Jt. Secy. to the Govt. of West Bengal

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**Govt. of West Bengal**  
**Office of the Commissioner, Presidency Division,**  
**Sub: Land Bank**

A meeting was held in the chamber of MIC, L&LR Department with the DMs and DLLROs of North and South 24-Parganas. Howrah and Hooghly. The LRC, the Joint Secretaries and DLR & S were also present. The following decisions were taken :

1. The L&LR Department will designate a nodal officer who will monitor the land bank data
2. The Collectors will immediately verify the list of :
  - (i) vacant Government land (vested and otherwise). In case there is an encroachment this should be specified in each case. This should include land vested under the Urban Land Ceiling Regulation Act.
  - (ii) Land that is covered under Act II cases that have not been revived, if vacant.
  - (iii) Land under Act II whose possession has been handed over to the requiring bodies who have made no construction thereon.
  - (iv) Land handed over to various industries and departments that is lying unutilized
  - (v) BR cases and those under section 6 (3).
3. While preparing these lists Collectors are advised to keep in mind availability of land in compact areas of 0.50 acres upwards and availability of basic infrastructure such as road, power, water alongside such parcels of land.

AC-I may discuss this with the DLLROs and keep me informed. Collector of Nadia should also be alerted to carry out the same exercise with reference to Kalyani and adjacent areas which are likely to yield vacant land for industry.

P. Bhattacharya  
Commissioner, Presidency Division

Memo No.5 (16)/R/LA

Dated, Calcutta, the 04.01.2001

Copy forwarded for information and necessary action to the :

1. District Magistrate, South 24-Parganas/North 24-Parganas/Howrah/Nadia/Murshidabad/1<sup>st</sup> Land Acquisition Collector, Calcutta;
2. A.D.M. & D.L. & L.R.O., South 24 Parganas/North 24-Parganas/Howrah/Nadia/Murshidabad;
3. A.D.M. (L.A.), South 24-Parganas/North 24-Parganas/Howrah/Nadia/Murshidabad.

Sd/- Illegible  
Assistant Commissioner  
Presidency Division.

●

**Government of West Bengal**  
**Land and Land Reforms Department**

**NOTIFICATION**

No. 1243-LR/3M-42/05 GE(M)

Dated the 5th April, 2005.

Whereas the Kolkata Land Revenue Act, 2003 has introduced collection of land revenue of the rate prescribed in section 5 of the Act for the area covered under the aforesaid Act, only from the raiyats, which shall not include the lessee of the land, and hence it has become necessary to prescribe rates of rent to be paid by the lessee of the Government land located in any area covered under the aforesaid Act.

Therefore, after the careful consideration, the Government hereby prescribes that in areas where the Kolkata Land Revenue Act, 2003 is applicable, the lessee taking long-term lease of Government

Land for 30 years shall pay the annual rent @4% of the market value of the land and in case of long-term lease for 99 years, the rent payable by such lessee shall be 0.3% of the market value of the land.

This order comes into effect from 19th October, 2003 and shall apply to all cases settled or under process of settlement with effect from the aforesaid date. Any lessee who was given long-term settlement on Government land prior to the aforesaid date, may submit specific application for revision of annual rent if such revision benefits the lessee and the new rent will be fixed on the basis of prescribed percentage of the current market value of the lease-hold land for the remaining period of lease.

Sukumar Banerjee  
Jt. Secy. to the Govt. of West Bengal

————— ● —————  
**Government of West Bengal**  
**Land and Land Reforms Department**  
**Land Reforms Branch**  
**Writers' Buildings**  
**Kolkata - 700001**

**NOTIFICATION**

No. 4393-LR/3M-42/05GE(M)

Kolkata, the 27<sup>th</sup> December, 2005.

Whereas it has been provided in rule 219 of the West Bengal Land and Land Reforms Manual, 1991 (hereinafter called the said Manual) that save as otherwise decided by the Government in a case, long-term lease shall ordinarily be for a period of thirty years and on expiration of the period the lessee shall be entitled to the option of successive renewals of the lease for the same period;

And whereas it has also been provided in rule 245 of the said Manual that notwithstanding the provisions of Chapter XV of the said Manual a long-term settlement of land may be granted for a period exceeding thirty years with prior approval of the Government on such terms and conditions as may be prescribed by the Government if, in its opinion, the purpose of granting the lease may be frustrated unless the settlement is granted for a period exceeding thirty years;

And whereas long-term settlement of land is granted for a period of ninety nine years with the option of successive renewals of the lease for the same period in respect of such case where the State Government considers it necessary to grant settlement for a period exceeding thirty years;

And whereas the State Government, after coming into force of the Kolkata Land Revenue Act, 2003, have notified that in areas where the said Act is applicable, the lessee taking long-term lease of Government land for thirty years shall pay the annual rent @4% of the market value of the land and in case of long-term lease for ninety nine years, the annual rent payable by such lessee shall be 0.3% of the market value of the land;

Now, therefore, after careful consideration of the matter, the State Government prescribes that also in cases where the Kolkata Land Revenue Act, 2003 is not applicable, the lessee taking long-term lease of Government land for thirty years shall pay the annual rent at the usual rate of 4% of the market value of the land and in case of long-term lease for ninety nine years, the annual rent payable by such lessee shall be 0.3% of the market value of the land.

The order shall come into immediate effect and all long-term settlement cases disposed of before issuance of this order need not be reopened for application of this revised rate of rent.

By order of the Governor,

Sukumar Bhattacharyya  
Joint Secy, to the Govt. of West Bengal.



**Government of West Bengal  
Land and Land Reforms Department  
Writers' Buildings  
Kolkata - 700001**

No. LRC/14729/06  
3M-22/06-GE (M)

April, 19, 2006

From : The Joint Secretary to the  
Government of West Bengal  
Land & Land Reforms Department

To  
Additional District Magistrate &  
District Land & Land Reforms Officer,

Sub : Preparation or updation of available vested non-agricultural land in the district as well as sending such vacant vested or private land in municipal towns.

Sir,

I am directed to convey that for the purpose of rational, efficient and purposeful allotment of non-agricultural vested land it is necessary to have, from each district a publication under title "stock of non-agricultural vested land" which shall contain village-wise, block wise, details of land indentifying non-agricultural vested land still not allotted to anyone. Those districts which have already prepared such booklet under the title "Land bank" may also update such book under the revised title and send five copies of such revised book to the State Secretariat. Those districts which have not so far made any publication of such book may take up the task right now and send 10 copies of the computer generated book under aforesaid title at an early date.

I am also directed to request to kindly locate 4-5 alternative sites of either vested land or private vacant land located within the municipal boundary of the concerned district town and in addition to the district town, any other municipal town of the district where the population exceeds one lakh. Land schedule for such 4-5 parcels of vacant vested or private land may be sent through a separate letter giving enclosure of the land schedule for such parcels/pockets of land.

This may be treated as extremely urgent.

Yours faithfully,  
Sd/- Illegible  
Joint Secretary to the Govt. of  
West Bengal, Land & Land Reforms Department.

●  
**Government of West Bengal  
Land & Land Reforms Department  
LR-(A-III) Branch  
Writers' Buildings, Kolkata - 700001**

**CIRCULAR**

No. 3860-GE (M)/3M-35/09

Dated: 20.08.2009

WHEREAS, as per policy of the Land & Land Reforms Department prevailed so far, Government land is transferred to any Department of the State Government for any purpose having no commercial exploitation, free of cost, with the following four conditions:

- (i) The land will be reverted to the Land and Land Reforms Department when no longer required by the ..... . If it is found that the land is lying unutilized for a period of 10 (ten) years from the date of taking over possession, it will stand automatically reverted to the Land and Land Reforms Department.
- (ii) The ..... will not alienate the land.

(iii) The ..... will not lease out or let out or transfer any portion or whole of the land at all.

(iv) If any portion of the land so transferred is found surplus to the requirements at any stage for the purpose aforementioned, the said portion of land shall revert to the Land and Land Reforms Department but the ..... themselves will not be the judge of whether they require to retain the said portion or not.

AND WHEREAS, it is obligatory to keep consistency with the Revised Secretariat Manual published in the year 2008;

NOW, THEREFORE, the condition no. (i) is hereby changed by the Land & Land Reforms Department in the following manner:

(i) The land will be reverted to the Land and Land Reforms Department when no longer required by the ... (concerned Department) ..... If it is found that the land is lying unutilized for a period of 3 (three) years from the date of taking over possession, the Land and Land Reforms Department may resume such quantum of land as it will appear appropriate after giving the ....(concerned Department)..... an opportunity of being heard.

By order of the Governor

D. Bandyopadhyay  
Joint Secretary to the  
Government of West Bengal

Memo No. 3860/1(100)-GE(M)

Dated : 20.08.2009

Copy forwarded for information to the :

1. A.C.S./Principal Secretary/Secretary, .....
2. Divisional Commissioner, .....
3. District Magistrate & Collector, .....
4. A.D.M. and D.L. & L.R.O, .....
5. Guard File,

Sd/- Illegible  
Joint Secretary to the  
Government of West Bengal

**Government of West Bengal  
Municipal Affairs Department  
Writers' Buildings, Kolkata**

**ORDER**

No. 112/MA/O/C-4/1A-2/2010

Dated, Kolkata, the 1<sup>st</sup> day of March, 2010.

For quite some time now, the Government of West Bengal has been considering the issues relating to providing secure land tenure to the urban poor families, belonging to economically weaker sections (EWS) occupying vested land in the urban areas of West Bengal.

2. It has been noted by the Government of West Bengal that urban poor households occupy an important place in the process relating to development and inclusive growth. Absence of secure land tenure hampers these processes in numerous ways. The implementation of schemes relating to provision of housing for urban poor gets particularly affected due to absence of secure land tenure. The housing schemes for the urban poor that are being affected in this manner include the centrally sponsored BSUP/ IHSDP schemes under JNNURM, as well as similar schemes launched by the State Government. In the proposed centrally sponsored Rajiv Awas Yojana, security of land tenure has evolved as a focal theme. In the State of West Bengal, a Committee under the Chairmanship of the Chief Secretary has examined the different aspects of the issue in the detail. The Land and Land

Reforms Department, Urban Development Department and the Department of Municipal Affairs have had dialogues and discussions on the issue,

3. The State Cabinet of West Bengal has since decided in its meeting held on February 18, 2010 to accord its approval to a policy for providing secure land tenure to urban poor belonging to EWS, occupying vested land.

4. The Governor is accordingly hereby pleased to direct that:

(i) An urban poor family, having monthly income not exceeding Rupees six thousand only, may be considered eligible for the purpose of long term settlement for 99 years for such homestead land at a concessional rate of a token salami of Re.1/- and subject to other usual terms and conditions, provided that these urban poor families belonging to EWS are found to have-occupied the land for not less than 20 years.

(ii) In no case shall the settlement of such land be considered in respect of land which is required by the Government for any infrastructure or developmental projects including projects towards new housing for the urban poor.

(iii) Not more than 2 cottahs shall be allowed for any individual EWS family.

(iv) The beneficiary urban poor family to whom such settlement may be granted, shall not be entitled to transfer such land within a period of 10 years from the date of execution of lease deed in their favour and even after the lapse of 10 years, such transfer will be allowed only after that is allowed by the Collector/ District Land and Land Reforms Officer of the district concerned,

(v) The annual rent in respect of such land shall be fixed at par with the land revenue under the West Bengal Land Reforms Act, 1955 or Kolkata Land Revenue Act, 2003, as the case may be.

(vi) The urban local bodies and the concerned District Land and Land Reforms Officer will conduct joint survey to ascertain the details of the land of the occupiers concerned as well as the detail of such occupants and prepare the reports accordingly for sending the same to the Land and Land Reforms Department for finalization of settlement of land by that Department for 99 years with the occupier concerned.

5. Necessary consultation with the Land and Land Reforms Department has been made in this regard and this order has been duly vetted by L & LR Department vide their U.O. No. LRC/5065/10 dated the 26<sup>th</sup> day of February, 2010.

By order of the Governor,

K.C. Mondal  
Spl. Secy. to the Govt. of West Bengal.

No.112/1(127)/MA/O/C-4/1A-2/2010

Dated, Kolkata, the 1<sup>st</sup> day of March, 2010.

Copy forwarded for information and necessary action to the Mayor / Chairman, ..... Municipal Corporation/ Municipality/ Notified Area Authority, P.O. .... Dist.....

Sd/-Illegible  
Special Secretary

No. 112/2(70)/MA/O/C-4/1A-2/2010

Dated, Kolkata, the 1<sup>st</sup> day of March, 2010.

Copy forwarded for information and necessary action to the :-

- (1) Chief Secretary to the Government of West Bengal;
- (2) Commissioner General, Land & Land Reforms Department, Government of West Bengal,
- (3) Land Reforms Commissioner & Principal Secretary, Land & Land Reforms Department.
- (4) Pr. Secretary to the Chief Minister, West Bengal;
- (5) Pr. Secretary, Urban Development Department, Government of West Bengal;
- (6) Pr. Secretary, Finance Department, Government of West Bengal.

- (7) Municipal Commissioner, Kolkata Municipal Corporation, 5, S.N. Banerjee Road, Kolkata - 700013,
- (8) Commissioner, ..... Municipal Corporation, P.O..... ,  
Dist.....
- (9) District Magistrate,..... , P.O. ...., Dist.....
- (10) District Land & Land Reforms Officer,..... , P.O. .... Dist. ....
- (11) Examiner of Local Accounts, West Bengal, 4, Brabourne Road, Kolkata - 700001.
- (12) Principal Accountant General (A &E), West Bengal, Treasury Buildings, Kolkata - 700001.
- (13) Director of Local Bodies, Purta Bhawan, Bidhannagar, Kolkata-91.
- (14) Director, State Urban Development Agency, ILGUS Bhawan, Block - HC, Sector - III, Salt Lake, Kolkata -700106.
- (15) Chief Engineer, Municipal Engineering Directorate, Government of West Bengal, Bikash Bhawan, Salt Lake, Kolkata - 700091.
- (16) Joint Director, Institute of Local Government and Urban Studies, ILGUS Bhawan, Block - HC, Sector - III, Salt Lake, Kolkata -700106.
- (17) Private Secretary to the Minister-in-Charge, Municipal Affairs & Urban Development Department, Government of West Bengal.
- (18) Private Secretary to the Minister-in-Charge, Land and Land Reforms Department, Government of West Bengal.
- (19) Private Secretary to the Secretary of this Department.
- (20) Cell ..... of this Department.

Sd/-Illegible  
Special Secretary

●

**Government of West Bengal**  
**Land and Land Reforms Department**  
**LR (A-III) Branch**  
**Writers' Buildings, Kolkata - 700001**

**CIRCULAR**

No1469-GE (M)/1L-20/10

Dated :17.03.2010

Whereas the matter pertaining to providing secure land tenure to the urban poor families belonging to economically weaker sections (EWS), occupying vested land for homestead purpose in the urban areas was under active consideration of the State Government for quite some time past.

And whereas a committee constituted under the Chairmanship of the Chief Secretary examined the different aspects of the matter;

And whereas the State Government in the Land and Land Reforms Department, Urban Development Department and the Municipal Affairs Department have had dialogues and discussion on the matter.

And whereas the State Government, after proper examination of the matter and after obtaining approval of the Cabinet, has decided as follows:

- i) An urban poor family, having monthly income not exceeding rupees six thousand only may be considered eligible for the purpose of long term settlement for 99 (ninety nine) years for such homestead land at a concessional rate of a token selami of Re.1/- subject to other usual terms and conditions provided that these urban poor families belonging to EWS are found to have occupied such land for not less than 20 (twenty) years,

ii) In no case settlement of such land shall be considered in respect of the land which is required by the Government for any infrastructure or development projects including projects towards new housing for the urban poor,

iii) Not more than 2 (two) cottahs of such land shall be allowed to be settled for any individual EWS family,

iv) The beneficiary urban poor family to whom such settlement is to be granted, shall not be entitled to transfer such land within a period of 10 (ten) years from the date of execution of the lease deed in their favour and even after the lapse of 10 (ten) years such transfer will be allowed only after that is allowed by the Collector/ District Land and Land Reforms Officer of the concerned districts,

v) The annual rent in respect of such land shall be fixed at par with the land revenue under West Bengal Land Reforms Act, 1955 or Kolkata Land revenue Act. 2003 as the case may be,

vi) The urban local bodies and the concerned District Land and Land Reforms Officer will conduct joint survey to ascertain the details of the land of the occupiers concerned as well as the details of such occupants and prepare the reports accordingly for sending the same to the Government in the Land and Land Reforms Department for finalization of settlement of such land by that Department for 99 (ninety nine) years with the occupier concerned:

And whereas the State Government in the Municipal Affairs Department, in accordance with the decision so taken in the matter, have already issued order vide G.O. No. 112/MA/O/C-4/1A-2/2010 dated 1<sup>st</sup> day of March, 2010:

Now, therefore, it is hereby directed as follows:

i) The District Land and Land Reforms Officer shall take immediate steps so that joint survey with the concerned Municipality or the Municipal Corporation is conducted to ascertain the details of the land of the concerned occupiers belonging to EWS occupied such land for not less than 20 (twenty) years as well as the other details of such occupants (i.e. number of its dependent, yearly income, occupation etc);

ii) The occupants to be found eligible for having the occupied vested land settled on long term basis, shall be asked to submit application for such settlement to the District Land and Land Reforms Officer along with a self declaration about the period of occupation of such land and his monthly income, and the Commissioner of the Municipality/ the Councilor of the Municipal Corporation/ the B.D O. /the S,D.O./the M.L.A. / the M.P. of the area concerned shall be requested to certify about the period of occupation as well as the monthly income of the occupants family concerned;

iii) The District Land and Land Reforms Officer shall prepare the report in consultation with the concerned Municipality or the Municipal Corporation as soon as joint survey is completed and prepare formal proposal for long term settlement of the vested land not exceeding 2 (two) cottahs with the occupier concerned for sending the same to the Government in the Land and Land Reforms Department of such settlement.

K. Bandyopadhyay  
Special Secretary to the  
Government of West Bengal

No, 1469/1(41)-GE (M)

Dated. 17. 03.2010

Copy forwarded for information and necessary action to the:

1. Principle Secretary to the Govt. of West Bengal, Municipal Affairs Department Writers Buildings, Kolkata - 700001.
2. Principle Secretary to the Govt. of West Bengal, Urban Development Department, Nagarayan, DF-8, Sector - I, Salt Lake, Kolkata - 700064
3. Director of Land Records and Surveys West Bengal, 35, Gopal Nagar Road Alipur, Kolkata - 27.
4. District Magistrate and Collector, .....
5. Additional District Magistrate and District Land and Land Reforms Officer,

K. Bandyopadhyay  
Special Secretary to the



<http://wbllroa.in>

**Government of West Bengal  
Land & Land Reforms Department  
LR-(A-III) Branch  
Writers' Buildings, Kolkata- 700001**

**CORRIGENDUM**

No.1505-GE(M)/IL-20/10

Dated : 19.03.2010

The words " ..... the Commissioner of the Municipality/the Councilor of the Municipal Corporation. ...." as it appears in 24<sup>th</sup> and 25<sup>th</sup> line of the 2<sup>nd</sup> page of the Land & Land Reforms Department's Circular No.1469-GE (M)/IL-20/10 dated 17.03 2001 should be replaced by the Councilor of the Municipal Corporation or the Municipality".

K. Bandyopadhyay  
Special Secretary to the  
Government of West Bengal

No.1505/1(41)-GE(M)

Dated : 19.03.2010

Copy forwarded for information and necessary action to the:

1. Principal Secretary to the Government of West Bengal, Municipal Affairs Department, Writers' Buildings, Kolkata- 700001.
2. Principal Secretary to the Government of West Bengal, Urban Development Department 'Nagarayan', DF-8, Sector-1, Salt Lake, Kolkata - 700064.
3. Director of Land Records and Surveys. West Bengal, 35. Gopal Nagar Road, Kolkata - 700027.
4. District Magistrate and Collector, .....
5. Additional District Magistrate and District Land & Land Reforms Officer, .....

K. Bandyopadhyay  
Special Secretary to the  
Government of West Bengal

————— ● —————

**LEASE**  
**Granted by the**  
**Governor of West Bengal**  
**to**

.....  
.....  
.....



THIS INDENTURE OF LEASE made this ..... day of ..... 20..... BETWEEN THE GOVERNOR OF THIS STATE OF WEST BENGAL hereinafter called the 'LESSOR' (which expression unless excluded by or repugnant to the context be deemed to include his successor-in-office and assigns) of the ONE PART and ..... being a citizen of India, son of ..... residing at ..... hereinafter called the 'LESSEE' (which terms unless excluded by or repugnant to the context be deemed to include his heirs, executors, administrators, representatives and assigns) of the OTHER PART.

WHEREAS it has been decided by the State Government that an urban poor family belonging to economically weaker section (hereinafter called the 'EWS family') occupying vested land for not less than 20 (twenty) years for homestead purpose shall be granted long term lease for the period of 99 years in respect of such land not exceeding 2 (two) cottahs for such purpose.

AND WHEREAS it has also been decided by the State Government that an urban poor family having monthly income not exceeding rupees six thousand shall be considered as an EWS family eligible for the purpose of such long term lease.

AND WHEREAS it has further been decided by the State Government that in no case long term lease of such land shall be considered in respect of the land which is required by the State Government for any infrastructure or development project including project towards new housing for the urban poor.

AND WHEREAS the LESSEE has applied for long term lease of the vested land under his possession since ..... for homestead purpose with necessary declaration as required for having long term lease of such land in his favour.

AND WHEREAS it has been found on joint survey with the officials of ..... Municipality/ ..... Municipal Corporation that the LESSEE family have been possessing the vested land as detailed in Part I of the Schedule hereunder written (hereinafter called the said land) since ..... for homestead purpose and the LESSEE family does not have monthly income exceeding rupees six thousands for which necessary certificate has also been obtained from the ..... of the area concerned.

AND WHEREAS the proposal for long term lease of the said land in favour of the LESSEE for the period of 99 years with effect from ..... for homestead purpose at a concessional rate of a token selami of Re.1.00 only has been approved by the State Government in the Land and Land Reforms Department.

NOW THIS INDENTURE WITNESSETH that in consideration of the payment to the LESSOR by the LESSEE of the sum of Rs. .... on or before the execution of these presents and of the rent hereby reserved and fully mentioned in Part-II of the Schedule hereunder written and of the covenants and conditions contained in Part-II of the said Schedule hereunder written on the part of the LESSEE to be paid, observed and performed, the LESSOR doth hereby demise unto the LESSEE the said land more particularly delineated in the plan hereunto annexed TO HOLD the same unto the LESSEE for the period of ninety nine (99) years from the ..... day of ..... yielding and paying therefor the rents at the time and in the manner specified in Part-II of the said Schedule hereunder written.

IN WITNESS WHEREOF the parties to these presents have hereunto set and subscribed their respective hands and seals the day, month and year first above written.

Signed, Sealed and Delivered by :-

\_\_\_\_\_  
(Name and Designation)

\_\_\_\_\_  
Signature (with seal)

for and on behalf of the Governor of the State of West Bengal in the presence of :

1. \_\_\_\_\_  
(Signature & Address of witness)

2. \_\_\_\_\_  
Signature & Address & witness

Signed, Sealed and Delivered by :-

\_\_\_\_\_  
(Name and Designation)

\_\_\_\_\_  
Signature (with seal)

for and on behalf of the lessee in the presence of :-

1. \_\_\_\_\_  
\_\_\_\_\_  
(Signature & Address of Witness)

2. \_\_\_\_\_  
\_\_\_\_\_  
(Signature & Address of witness)

The Schedule above referred to

**Part- I**

Particulars of the Plot of Land

1. Plot No. :
  2. Total Area of Plot :
  3. Share & Area of the plot lease out :
  4. Name of the Mouza :
  5. J.L. No. :
  6. Name of Thana :
  7. Sub-Registration District :
  8. District :
- North :  
East :  
South :  
West :

**Part-II**

1. The LESSEE shall carry out the terms embodied in this lease and will continue to be bound thereby.

2. The LESSEE shall pay annual rent of Rs. .... of the leasehold plot of land in the District Land and Land Reforms Office of ..... within first 60 days of the year for which such rent is payable. In case of delay or default on the part of the LESSEE in payment of lease rent and other charges payable under these presents, the LESSEE shall be liable to pay without prejudice to the other rights of the LESSOR, interest @ 6¼ % per annum on the amount of the rent in arrear till the day of payment.

3. All money payable by the LESSEE to the LESSOR under this deed shall, apart from other remedies, be realizable as a public demand under the Bengal Public Demands Recovery Act or any statutory modification thereof for the time being in force.
4. The LESSEE shall not utilize the plot of land for any purpose other than the purpose for which it is leased failing which the LESSOR reserves the right to resume the plot of land after giving the LESSEE an opportunity of being heard.
5. The LESSEE shall be liable to pay such rent from time to time that may at any time hereafter be assessed, charged or imposed on the demised land at per with the land revenue in accordance with the provisions of the West Bengal Land Reforms Act, 1955/The Kolkata Land revenue Act, 2003 as may be amended from time to time
6. Should the LESSEE duly and faithfully observe and fulfil the terms, conditions and covenants on the part of the LESSEE herein contained, the LESSEE shall on the expiration of the aforesaid period of ninety-nine years be entitled to have a renewal of this lease for a further period of ninety-nine years upon the same terms and conditions and to such other terms and conditions as the State Government may from time to time consider it necessary to impose and include in such renewed lease or leases.
7.
  - a) The LESSEE shall not be entitled to transfer or assign his lease hold interest on the demised land, whether in full or in part, within a period of 10 (ten) years from the date of execution of these presents in any manner whatsoever.
  - b) The LESSEE shall, however, be entitled to transfer or assign his leasehold interest on the demised land, whether in full or in part, with the formal permission of the District Land and Lane Reforms Officer who shall obtain prior approval of the State Government in granting such permission. Provided that no such permission shall be necessary for transfer or assignment of leasehold interest to the successor by inheritance,
  - c) The transferee or assignee or successor by inheritance of the leasehold interest on the demised land shall duly get their names registered in the District Land and Land Reforms Officer within three calendar months after obtaining possession of the land and will possess and use the land and be bound by all terms, conditions and covenants herein contained.
  - d) The transferee or assignee, other than successor by inheritance, shall be required to enter into fresh lease after expiry of the unexpired period of this lease on such terms and conditions and on payment of such salami and annual rent as the State Government may then fix in granting such fresh lease.
8. The LESSEE shall not in any way diminish the value or injure or make any permanent alterations in the said demised land without the previous written consent of the District Land and Land Reforms Officer and shall not sell or dispose of any earth, clay, gravel, sand or stone from the demised land as stated in Clause 17 of these presents nor excavate the same except so far as may be necessary for the execution of the works for which the land has been leased out. In the event of making any ditch or excavation, which causes injury to the property without the consent of the District Land and Land Reforms Officer, the District Land and Land Reforms Officer shall cause a notice to be served upon the LESSEE asking him to fill the ditch or excavation. Within one month from the date of receipt of such notice the LESSEE shall comply with the instruction and report compliance to the District Land and Land Reforms Officer.
9. The LESSEE shall keep the land free from jungle and all sorts of nuisance. On his failure to do so, the District Land and Land Reforms Officer shall cause a notice to be served upon the LESSEE asking him to remove the same. Within one month from the date of receipt of the notice the LESSEE shall comply with the instruction and report compliance to the District Land and Land Reforms Officer.
10. The LESSEE shall pay and discharge all existing and future rates, taxes and assessment, duties, imposition, outgoings and burdens whatever assessed, charged or imposed upon the demised premises or upon the LESSEE or occupier thereof.

11. The LESSEE shall preserve intact the boundaries of the holding and keep them well demarcated according to the requisition of the District Land and Land Reforms Officer. For the purpose of identification of boundary, boundary marks should be fixed as per specification to be prescribed by the District Land and Land Reforms Officer. It will be the duty of the LESSEE to maintain all the boundary marks in good condition. Should any boundary mark be missing the LESSEE shall report the fact to the District Land and Land Reforms Officer. On receipt of the report the District Land and Land Reforms Officer shall arrange relocation of the position of missing marks. Marks shall be restored by the LESSEE immediately after relocation of the position at his own expenses.
12. The LESSEE shall not be entitled to convert the demised land or any part thereof into a place of religious worship without the previous consent of the LESSOR obtained in writing or use or allow the demised premises or any part thereof to be used as places for cremation or burial.
13. The LESSEE shall not use or permit any other persons to use the demised land or any part thereof for a purpose other than that for which it is leased or in a manner which renders it unfit for use for the purpose of the lease.
14. The LESSEE shall not sublet part or whole of the demised land in any manner whatsoever.
15. The LESSEE shall not use nor permit any other person to use the demised land or any share or portion thereof for any immoral, illegal or unsocial purposes in any manner so as to become a source of grave danger to the public peace or public safety.
16. If the demised land or any part thereof shall, at any time, be required by Government for a public purpose the LESSEE shall give up the same on demand without any claim to compensation in respect of the said demised land. If the land is required permanently the lease shall forthwith be determined and the LESSEE shall be entitled to such fair and reasonable compensation for buildings and improvements effected by him as shall be decided by the District Land and Land Reforms Officer. If a part of the land is required, whether permanently or temporarily, or if the whole land is required temporarily the lease shall not be determined, but in the former case the LESSEE shall be entitled to proportionate reduction of rent and in the latter case to a total remission of rent, and to such compensation in either cases as shall be decided by the District Land and Land Reforms Officer which shall be final.
17. The LESSOR reserves to himself the right to all minerals on the lands together with such rights of way and other reasonable facilities as may be requisite for working, gathering and carrying away such minerals.
18. The LESSEE shall have to obtain necessary clearance from the appropriate authority such as West Bengal Pollution Control Board, Development Authority, Municipal Corporation, Municipality, Gram Panchayat etc. as may be required before executions of the work on the demised land for which it is leased and for failure to do so the lease shall forthwith be determined.
19. The LESSEE shall permit the LESSOR and his agents on 24 hours' notice at all reasonable time during the erection of the buildings and subsequent thereto to enter upon the demised premises to view the condition of the buildings for the time being erected or in course of erection thereon and for all other reasonable purposes.
20. All fossils, coins, articles of ancient value or antiques and/or remains of geological and/or archaeological value or interest if found and/or retrieved from any part of the demised land the same shall be the absolute property of the LESSOR and the LESSEE shall ensure protection of the same until removal and/or retrieval by the LESSOR forthwith from detection.
21. On breach or non-observance of any of the foregoing covenants, terms or conditions rendering the demised land unfit for use for the purpose for which it is leased, the lease shall be determined/terminated by the LESSOR on giving the LESSEE an opportunity of being heard and the LESSEE shall forthwith make over quiet and peaceful possession of the lands and hereditaments to the District Land and Land Reforms Officer on behalf of the LESSOR.

**GOVERNMENT OF WEST BENGAL  
OFFICE OF THE DISTRICT LAND AND LAND REFORMS OFFICER, .....**

No. ....

Dated : .....

From : The Additional District Magistrate &  
District Land and Land Reforms Officer.

To : The Principal Secretary to the Govt. of West Bengal  
Land and Land Reforms Department,  
Writers' Buildings, Kolkata - 700001

Sub : Proposal for long term lease of an area of ..... acres of land at mouza  
..... J.L. No. .... under Police Station ..... in the  
district of ..... in favour of Sri/Smt. .... and  
..... others for homestead purpose.

Sir,

With reference to the above subject this is to state that in pursuance of G.O. No.112/MA/O/C-4/1A-27/2010 dated 1<sup>st</sup> day of March, 2010 of the M.A. Deptt. read with Circular No.1469GK(M) dated 17<sup>th</sup> March,2010 of the L. & L.R. Deptt., a joint survey has been conducted with the officials of ..... Municipality / Municipal Corporation to ascertain the details of vested land possessed by the occupants family as well as the details of the occupants family. It has been found that the occupants family concerned have been possessing the vested land for more than 20 years and none of the occupants family have monthly income exceeding rupees six thousands for which necessary certificate has also been obtained from the ..... of the concerned area. The details of the land possessed by the occupants family concerned and the details of such occupants family have been shown in the enclosed format. Prayer for long term settlement of the vested land possessed by the occupants family concerned as well as necessary declarations about the period of occupation of the land, in question and the annual income of the respective occupants family have also been submitted. In this connection it may be informed that on enquiry it has been found that the land possessed by the concerned occupants family is not required for any infrastructure or development project of the State Government including project towards new housing for the urban poor. As each of the occupants family is belonging to economically weaker section occupying vested land not exceeding 2 cottahs for homestead purpose for not less than 20 years and prayer has been submitted for long term lease of such land with necessary declaration indicating also the name of the senior most member of such family, there may not be any objection to grant long term lease of the land under possession of each of the occupants family as per decision of the State Govt. conveyed in the aforesaid G.O. No. 112/MA/O/C-4/1A-27/2010 dated 1<sup>st</sup> day of March, 2010 of the M.A. Deptt. read with Circular No.1469GE(M) dated 17<sup>th</sup> March,2010 of the L. & L. R. Deptt.

It is, therefore, proposed that long term lease may be granted in favour of the senior most member of the occupant family concerned as shown in the format enclosed for the period of 99 years with effect from the date of possession in respect of the land under their possession for homestead purpose as also shown in the said format.

This has the approval of the District Magistrate and Collector .....

Yours faithfully,

ADM & D.L.& L.R.O.

No. ....

Dated: .....

Copy forwarded for information and necessary action to the Principal Secretary to the Govt. of West Bengal, Municipal Affairs Deptt., Writers' Buildings, Kolkata-700001.

ADM & D.L.& L.R.O.

[ Setout Table Format ]

[ See Separate Word File ]

<http://wblroa.in>

**Government of West Bengal  
Land & Land Reforms Department  
LR-(A-III) Branch  
Writers' Buildings, Kolkata- 700001**

Memo. No.1480(18)-GE(M)/3M-35/09

Dated : 18.03.2010

From : D. Bandyopadhyay, I.A.S.  
Joint Secretary to the Government of West Bengal

To  
The A.D.M. and D.L.&L.R.O., .....

Subject : Important points to be ascertained before initiation of any proposal for inter-departmental transfer of Government Land.

It is often seen that proposals for inter-departmental transfer of Government land be it vested land or land belongs to any Department of the State Government other than the Land & Land Reforms Department, are initiated by the DLLROs without proper examination of all necessary points and such proposals are sent to the Land & Land Reforms Department without adequate papers / information causing unnecessary delay in finalization of such proposal of inter-departmental transfer of land. In order to avoid such delay the following instructions should carefully be noted.

1. The name of the concerned Department of the State Government who requires land. The 'Requiring Body' should be the Department itself. If the Requiring Body is a Corporation or a 'Body' which functions as an Autonomous Body under the administrative control of the Department, they can not be equated with the Department itself and the land can not be transferred to the Department. In such cases such 'Requiring Body' will have to take the land on lease as per Government norms from this Department.

2. Formal proposal requesting transfer of land should come to the Land & Land Reforms Department from the concerned Department and not from the end of any sub-ordinate office of that Department. Necessary instructions have already been issued by the Land & Land Reforms Department in this regard vide this Department's Memo No.3025(18)-GE(M)/3M-35/09 dated 03.07.2009. It may be the case that the land-requiring Department itself approaches the District Magistrate & Collector or the DLLRO for transfer of land instead of approaching the Land & Land Reforms Department. In that case, such formal proposal from the land-requiring Department should be entertained. However, proposal from any sub-ordinate Office of a land-requiring Department e.g. any Directorate, District Head of Office like Superintendent of Police, Chief Medical Officer of Health and so on and so forth should not be entertained.

3. The proposal so furnished by the concerned Department should contain quantum of land, detailed schedule of land with plot wise break up and sketch map. A copy of the relevant letter of the land-requiring Department addressed to the District Magistrate & Controller or the DLLRO (if that happens at all) seeking transfer of land should be furnished with the proposal.

4. Before initiating any proposal for inter-departmental transfer of land as proposed by any Department of State Government who has furnished formal proposal as mentioned in point No.2 above, the following points are required to be ascertained :

- (i) Whether the land proposed for settlement is acquired or vested.
- (ii) If acquired, whether there is any case against compensation on land acquisition and Whether acquisition process is complete.
- (iii) If vested, how it is vested – whether it is under WBEA Act, 1953 or WBLR Act, 1955.
- (iv) Whether there is any case against vesting of land in any Court of law or WBLRTT and whether the matter of vesting is still sub-judiced.
- (v) Whether the land proposed for transfer is free from encroachment.

5. If the land proposed for transfer belongs to any Department of the State Government, other than the Land & land Reforms & Department, then such land owning Department should first relinquish the

land in favour of the Land & Land Reforms Department by issuing a formal relinquishment order containing detailed schedule of land with plotwise break up, so relinquished, together with sketch map. It shall be the responsibility of the 'Requiring Body' to get the land relinquished.

6. The classification of land should be mentioned and it should also be mentioned specifically whether such recorded classification actually means agri-land or non-agri land.

7. Agri-land can not be considered for transfer unless the present mode of use of such agri-classified land is non-agri. In that case, a spot verification report of the concerned BLLRO or of any competent officer as may be authorised by the BLLRO is required.

8. Forest land, tribal land, Barga-affected land will not be considered for transfer. Generally, water-body will also not be considered for transfer. However, if any Department of the State Government submits proposal to the Land & Land Reforms Department seeking inter-departmental transfer of any water body then such water body may be considered for transfer to that Department subject to submission of an undertaking by that Department that the nature and character of such water body will not be changed under any circumstances. Land classified as 'orchard' will not be considered for transfer to any Department of the State Government. However, if the present status of the 'orchard' class of land is not orchard and if it is possible to change the character of such 'orchard' class of land appropriately to a non-agri class as per due procedure of law then such land may be considered for transfer to any Department of the State Government if such change of classification is recorded in the R-O-R and authenticated copy thereof is produced with the proposal.

9. Patta land will not be considered for transfer unless and until such Patta is annulled by the concerned SDO as per the procedure of law and there is no Court case against such annulment. Even in case of annulment, authenticated copy of the proceeding of annulment should be furnished.

10. If the Government land proposed for transfer is a road side land then before initiating such proposal it should be ensured that public interest like maintenance or broadening of the road will be not be affected by such transfer. Necessary clearance from the PWD Authority or NHAI Authority or the Zilla Parishad, as the case may be, should be obtained before initiating any proposal for inter-departmental transfer of road side Government land.

11. Land will be transferred to the concerned Department, free of cost, if the purpose for which the land is required is non-commercial in nature. If the land is required by any Department for commercial purpose, such Department will have to pay full market value of the land. Therefore, at the time of furnishing any formal proposal for inter-departmental transfer of Government land to the Land & Land Reforms Department, the concerned Department who requires land should mention whether the purpose for which the land is required is a commercial purpose or a non-commercial purpose. If the land is required for a particular project, Detailed Project Report should be submitted by the concerned Department showing therein, inter alia, justification of extent of land required and statement of Income & Expenditure.

12. Report on valuation of land together with sale data containing counter-signature of the DLLRO with the due certificate, as required, should be sent with the proposal.

13. Specific answer with supporting documents and/or relevant papers as the case may be on the aforesaid 12 points should be furnished with the proposal for inter-departmental transfer of land.

The concerned A.D.M. and D.L.&L.R.O. will send copy of this order to all the SDL&LROs and BLLROs under his jurisdiction, without fail and without any delay.

D. Bandyopadhyay  
Joint Secretary  
Government of West Bengal



**Government of West Bengal  
Municipal Affairs Department  
Writers' Buildings, Kolkata**

**ORDER**

No. 408/MA/O/C-4/1A-2/2010

Dated, Kolkata, the 30<sup>th</sup> day of June, 2010

Whereas it has been decided by the State Government to provide secure land tenure to the urban poor families occupying vested land for homestead purpose in the urban areas.

2) And whereas the State Government in the Municipal Affairs Department in consultation with the Land and Land Reforms Department issued order accordingly vide G.O. No. 112/MA/O/C-4/1A-2/2010 dated the 1<sup>st</sup> day of March, 2010;

3) And whereas the State Government in the Land and Land Reforms Department also issued necessary Circular vide No. 1469-GE(M)/IL-20/10 dated the 17<sup>th</sup> day of March, 2010 following the discussion so taken in the matter;

4) And whereas the issue of effective implementation of the aforesaid order and the Circular has been under consideration of the State Government for sometime past;

5) Now, the Governor, after careful consideration of the issue, has been pleased to constitute a Committee at the local level for selection of beneficiaries with the following members:

1.	Commissioner in the case of a Municipal Corporation/Sub-divisional Officer in the case of a Municipality.	Chairman
2.	Representative of Mayor in case of a Municipal Corporation/Chairman in case of a Municipality.	Member
3.	Leader of opposition in the Municipal Corporation/Municipality	Member
4.	Secretary in the case of Municipal Corporation/Executive Officer in the case of a Municipality.	Member
5.	Sub-divisional Land and Land Reforms Officer concerned	Member

6) This has been issued in consultation with the Land and Land Reforms Department.

By Order of the Governor

K.C. Mondal  
Special Secretary to the Government of West Bengal

No. 408/1(127)/MA/O/C-4/1A-2/2010

Dated, Kolkata, the 30<sup>th</sup> day of June, 2010

Copy forwarded for information and necessary action to the Mayor/Chairman. ....  
Municipal Corporation/Municipality/Notified Area Authority, P.O. .... Dist. ....

K.C. Mondal  
Special Secretary

No. 408/2(70)/MA/O/C-4/1A-2/2010

Dated, Kolkata, the 30<sup>th</sup> day of June, 2010

Copy forwarded for information and necessary action to the :-

- 1) Chief Secretary to the Government of West Bengal;
- 2) Commissioner General, Land & Land Reforms Department, Government of West Bengal;
- 3) Land Reforms Commissioner & Principal Secretary, Land & Land Reforms Department.
- 4) Pr.Secretary to the Chief Minister, West Bengal;
- 5) Pr.Secretary, Urban Development Department, Government of West Bengal;
- 6) Pr.Secretary, Finance Department, Government of West Bengal;
- 7) Municipal Commissioner, Kolkata Municipal Corporation, 5, S.N. Banerjee Road, Kolkata – 13;
- 8) Commissioner ..... Municipal Corporation, P.O. .... Dist. ....
- 9) District Magistrate ....., P.O. .... Dist. ....

- 10) District Land & Land Reforms Officer, , P.O. .... Dist. ....
- 11) Examiner of Local Accounts, West Bengal, 4, Brabourne Road, Kolkata – 700001.
- 12) Principal Accountant General (A&E), West Bengal, Treasury Buildings, Kolkata – 700001.
- 13) Director of Local Bodies, Purta Bhawan, Bidhannagar, Kolkata – 91.
- 14) Joint Director, State Urban Development Agency, ILGUS Bhawan, Block – HC, Sector – III, Salt Lake, Kolkata – 700106.
- 15) Municipal Engineering Director, Government of West Bengal, Bikash Bhawan, Salt Lake, Kolkata – 700091.
- 16) Institute of Local Government and Urban Studies, ILGUS Bhawan, Block – HC, Sector – III, Salt Lake, Kolkata – 700106.
- 17) Private Secretary to the Minister-in-Charge, Municipal Affairs & Urban Development Department, Government of West Bengal.
- 18) Private Secretary to the Minister-in-Charge, Land and Land Reforms Department, Government of West Bengal.

K.C. Mondal  
Special Secretary

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**Government of West Bengal**  
**Land and Land Reforms Department**  
**Writers' Buildings, Kolkata – 700001**

**CIRCULAR**

No.4113-LR/1L-20/10 GE(M)

Dated, Kolkata, the 30<sup>th</sup> day of July, 2010

Whereas it was decided by the State Government to provide secure land tenure to the urban poor families occupying vested land for homestead purpose in the urban area;

2. And whereas the State Government in the Municipal Affairs Department in consultation with the Land and Land Reforms Department issued order accordingly vide G.O. No. 112/MA/O/C-A/1A-2/2010 dated 1<sup>st</sup> day of March, 2010;

3. And whereas the State Government in the Land and Land Reforms Department also issued necessary Circular vide No. 1469-GE(M)/1L-20/10 dated 17<sup>th</sup> day of March, 2010 following the decisions so taken in the matter;

4. And whereas the State Government in the Municipal Affairs Department under Order No. 408/MA/O/C-4/1A-2/2010 dated 30<sup>th</sup> June, 2010 has now constituted a Committee at the local level for selection of beneficiaries with the following members so as to effectively implement the aforesaid Order & Circular :

1.	Commissioner in the case of a Municipal Corporation/Sub-divisional Officer in the case of a Municipality.	Chairman
2.	Representative of Mayor in case of a Municipal Corporation/Chairman in case of a Municipality.	Member
3.	Leader of opposition in the Municipal Corporation/Municipality	Member
4.	Secretary in the case of Municipal Corporation/Executive Officer in the case of a Municipality.	Member
5.	Sub-divisional Land and Land Reforms Officer concerned	Member

5. Now, therefore, it is hereby directed that the District Land & Land Reforms Officer shall, after receiving the Joint Enquiry Report with all relevant documents and particulars forward the case to the aforesaid committee so constituted. As soon as the report about selection of beneficiary is received by the District Land & Land Reforms Officer with necessary recommendation of the Committee in respect of the case so forwarded, the District Land & Land Reforms Officer shall prepare formal settlement proposal and send the same to the Govt. in the Land and Land Reforms Department for necessary sanction of such proposal.

6. This Department's Circular No. 1469-GE (M)/1L-20/10 dated 17th day of March, 2010 is modified to the above extent.

K. Bandyopadhyay  
O.S.D. & Ex. Officio Special Secy.  
to the Govt. of West Bengal.

No.4113/1(41)-LR

Dated, Kolkata, the 30th day of July, 2010

Copy forwarded for information and necessary action to the:

1. Principal Secretary to the Govt. of West Bengal, Municipal Affairs Department, Writers Buildings, Kolkata, -700001.
2. Principal Secretary to the Govt. of West Bengal, Urban Development Department, Nagarayan, DF-8, Sector - I, Salt Lake, Kolkata - 700064
3. Director of Land Records and Surveys, West Bengal, 35, Gopal Nayar Road, Alipur, Kolkata-27,
4. District Magistrate and Collector .....
5. Additional District Magistrate and District Land and Land Reforms Officer.

K. Bandyopadhyay  
O.S.D. & Ex. Officio Special Secy.  
to the Govt. of West Bengal.

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**Government of West Bengal  
Land and Land Reforms Department  
Writers' Buildings, Kolkata**

No.LRC/27/12

February 21, 2012

From : R.D. Meena, IAS  
LRC & Pr. Secretary

To : All the District Magistrates & Collectors  
Add. Chief Secy./Pr. Secy./Secy ..... All Deptts.

Sir,

This is in continuation of my earlier reminders regarding detail error-free information of Land Bank by 10<sup>th</sup> February, 2012. The Hon'ble Chief Minister has expressed her displeasure the way land bank information have been furnished by the districts and the departments concerned without validation and ground level inspection as the information is not fully reliable and usable. Further, she has directed the Chief Secretary to advise all the officers concerned to provide accurate information for land bank by 29<sup>th</sup> February, 2012.

In view of the above, you are requested to furnish the details regarding vacant land pertaining to all the departments including Collectors' land [Khatian No.1] as under :

1	2	3	4	5	6	7
Name of Deptt./ Collector	Name of the Block	Name of the Mouza	J.L. No.	Plot No.	Quantum of land lying Vacant (usable) with the Deptt/ Collectors	Classification of land in respect to column No.6 & present status after physical inspection

Top most priority should be given to it and furnish the requisite information on or before 28<sup>th</sup> Feb, 2012 through special messenger without fail so that complete report is submitted to the Hon'ble Chief Minister on 29.2.2012 as desired.

Yours faithfully

R.D. Meena

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**Government of West Bengal  
Finance Department  
Audit Branch**

No.10184-F(A-II)

Dated, the 13<sup>th</sup> December, 2012

**NOTIFICATION**

Subject : Administrative and financial approval for the projects on land involving inter-departmental transfer.

The procedure of inter-departmental transfer of Govt. land from one Department of the State Govt. to another is governed by Rule 469 of the West Bengal Land & Land Reforms Manual, 1991. The extract of the Rule is given as under :

“469 (i) Proposals for transfer of Government land from one department of the State Government to another should be submitted through Divisional Commissioner to Government in the department to which transfer is proposed along with objects and condition of the proposed transfer, particulars of the area, market value and estimated yearly rental.

(ii) If the administrative department approves the proposal, it will first consult the department from which land is proposed to be transferred. The proposals with the concurrence of the department owing the land will be sent to the Land & Land Reforms Department. The Land & Land Reforms Department will return the case to the administrative department with the memorandum sanctioning the transfer of the land and stating conditions of transfer, if any. The administrative department will then send a copy of the said memorandum to the officers concerned accompanied by such orders as may be necessary.”

2. It has been observed that, in some cases, even after concurrence has been given by the Govt. Department owing the land to relinquish the said land in favour of the other State Govt. department, the completion of all formalities as provided in Rule 469 of the WBL&LR Manual, 1991, takes some time. As per the existing practice, administrative and financial approval of the projects on such land is not given pending approval of the L & LR Department as provided in the referred Rule. As such, there is avoidable delay in starting such projects resulting in cost and time overrun.

3. After careful consideration, the Governor is pleased to decide that development projects on Govt. land proposed for transfer from one department to another will be accorded administrative and financial approval by the appropriate authority provided the Collector of the District has recommended the proposal after making inquiries regarding the area, ownership, availability, character, nature of the land and whether the land is free from encroachment and litigation and the administrative department of the State Govt. owning the land has given its concurrence for relinquishing such land in favour of the requiring department. The administrative department to which the land is proposed to be transferred shall not start the execution of the project unless all the formalities as provided in Rule 469 of the WBL & LR Manual, 1991 have not been fully complied with. It may, however, complete all other works like completion of tender formalities, selection of executing agencies, etc.

4. The order will take immediate effect.

H.K. Dwivedi  
Secretary to the  
Government of West Bengal

No.10184/I(500)-F(A-II)

Dated, the 13<sup>th</sup> December, 2012.

Copy forwarded for information and necessary action to :

1. The Principal Accountant General (A&E), West Bengal, Treasury Buildings, Kolkata-700001.
2. The Pay & Accounts Officer, Kolkata Pay & Accounts Office-I, 81/2/2, Phears Lane, Kolkata - 700012.
3. The Pay & Accounts Officer, Kolkata Pay & Accounts Office-II, P-1, Hyde Lane, Kolkata -700073.
4. The Pay & Accounts Officer, Kolkata Pay & Accounts Office-III,

- I.B. Market, Salt Lake, Kolkata-700106.
5. A.C.S./Pr. Secy./Secy.  
..... Department.
  6. The District Magistrate/Judge
  7. The Sub-Divisional Officer, .....
  8. The Commissioner,.....
  9. The Superintendent of Police, .....
  10. The Exe Engineer/Supdt. Engineer .....

Sd/- Illegible  
Joint Secretary to the  
Government of West Bengal

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**Government of West Bengal  
Land and Land Reforms Department  
Land Policy Branch  
Writers' Buildings, Kolkata-700001**

**ORDER**

No. 6686-LP/1A-18/2012

Date: 26/12/2012

Whereas the State Government, its parastatals (Corporations, Development Authorities), and urban local bodies etc. have been allotting and pricing land/other assets in line with various Departmental and other norms which often vary in their content and their applicability;

2. And whereas there is need to introduce uniformity, reduce discretion and avoid case by case decision-making to ensure transparency while dealing with public assets;

3. Now, the Governor, after careful consideration of the matter, is pleased hereby to make the following Land Allotment Policy which will be applicable to land owned or held by any Department of the State Government or agency funded by the State Government in any manner: -

(i) The land allotted to any individual/company/institution etc. under the policy would be transferred to them by the Government and its parastatals by way of long term lease for a period not exceeding 99 years, with the option of renewal of such lease for the like period on the same terms and conditions and to such other terms and conditions as may be imposed and included in such renewal lease deed.

(ii) (a) The lessee under any lease granted by the State Government or its parastatals can mortgage the leasehold interest only (and not the demised land itself) on the demised land, whether in full or in part, only with the prior written permission of the lessor.

(b) The lessee is not entitled to assign his leasehold interest, whether in full or in part, without prior written approval of the lessor and assignee shall hold the same on the same terms and conditions as in the original lease and to such other terms and conditions as may be considered to be imposed by the lessor while granting such approval. In case of such assignment of leasehold interest the assignee concerned shall have to obtain fresh lease after expiry of the unexpired period of the lease on payment of such consideration money and annual rent based on the prevailing market value as may then be fixed by the lessor in granting such lease.

(iii) The Land and Land Reforms Department is the nodal Department for interdepartmental transfer of land and Long Term Lease (LTS) of vested/khas (Government) land. An inter-departmental Committee under the Chief Secretary would handle all cases of inter departmental land transfers. The valuation for LTS would be based on the sale deeds of the area or the market price as determined by the Inspector General of Registration, West Bengal, whichever is higher.

(iv) Land meant for commercial use shall invariably be auctioned to the highest bidder for which adequate 'publicity should be given including through the internet. Commercial use will mean use for office, shops, shopping malls, housing not meant for the EWS, LIG or the poor, cineplexes, theme

parks, hospitals, educational institutions etc, and would include all other activities except those activities for which a different mode of disposal is prescribed.

Reserve Price should not be fixed by the Government before the bidders submit their financial bids, so that there is no chance of the bidders knowing the Reserve Price fixed by the Government. The Government, while fixing the Reserve Price, should not have knowledge of the price bids submitted so that the fixing of the Reserve Price is not influenced by such knowledge. The Advisors do not finalize Reserve Price, as a conflict of interest may arise with them trying to keep them a low Reserve Price. The bidders are provided full comfort that their bids, once submitted, can in no way be tampered with by any agency.

(v) For construction of housing for the poor, EWS and LIG through developers, it would be permissible not to go in for the auction route, keeping in view of the paramount public interest. Instead, development offers on pre-announced criteria can be invited through a two-stage bidding process. The policy for the allotment of the dwelling units after construction also should be rational, objective and transparent and stated clearly in the brochures/ advertisements.

(vi) For projects leading to industrial development, the highest price need not be the main criteria nor should auction be the only mode of allotment. The department or the entity shall prepare and publish a list of its land assets. It may also indicate the kind of industrial development it is seeking (big, medium, small, micro, non-polluting, knowledge based, etc.) along with the tentative price which may be determined on the basis of acquisition price, cost of capital, development charges and premium as applicable. This information should be freely available in the public domain for at least a month before offers are received/invited.

The offers should be evaluated on pre-specified and pre-announced criteria e.g. specified purpose, employment potential, likely tax revenue, development of backward regions, economic development of disadvantaged communities, lower pollution levels, standard norms for land requirements for specific type of industries, and the past record of the investors. Evaluation should be done by a Transaction Advisor, to be selected from the empanelled list of Transaction Advisors drawn up by the Finance Department through a transparent and competitive process and notified vide No. FS-116(PPP Cell)/2012 dated 10.09.2012.

(vii) Project proposals for private educational institutions and medical facilities will be deemed to be commercial ventures, except where such projects are to be set up by public charitable trusts with no profit motives, and in existence for at least five years in the respective field, after inviting offers in a transparent manner. Trusts promoting such institutions have to be well-known for their services at the national or international level. The cases of allotment to charitable and reputed institutions fulfilling the above conditions should be referred to the Standing Committee of the Cabinet on Industry, Infrastructure and Employment for a final decision.

(viii) For the projects in the power generation sector, the auction route is not recommended given the possible impact on tariffs and questions of larger public interest. The department holding the land, in consultation with the Power & NES Department, would notify sites suitable for power generation projects, which will remain open and in the public domain for at least one month before offers are invited. Thereafter, the offers will be evaluated in consultation with Power & NES Department, based on clear-cut pre-announced criteria beneficial to the economy and well-being of the State such as lower tariffs, redressal of the thermal-hydro imbalance, green power and renewable obligations and offered in terms of the existing policy and legal framework for such power generation projects.

(ix) All land allotment decisions should be taken by the Board(s) of the entities. In case land is owned departmentally, MIC's order will be inevitably required followed by a Cabinet decision. Under no circumstances should land allotment decision be taken without placing the matter to the full Board with adequate notice as may be required under the relevant statutes/rules and without recording detailed minutes.

(x) Upon the completion of the formalities and selection of the allottee, a provisional Letter of Intent (LOI) should be issued. Each Department should frame its own LOI in consultation with the Law Department and strictly based on this policy with a specific time frame which shall in no case exceed three (3) years from the date of handing over the possession of the land.

(xi) The provisional LOI should also specify the statutory clearances/licences/permissions that the allottee would be required to obtain within a definite time frame. This will include clearances from the West Bengal Pollution Control Board and/or the Ministry of Environment & Forests, fuel linkages,

water availability, clearance and licences from the West Bengal Electricity Regulatory Commission, the Medical/Dental/Nursing Council, the AICTE, the UGC, Municipality, Urban Planning etc., as may be required only for that specific purpose.

(xii) The provisional Lol should be so drafted, as to enable the allottee to seek financial closure as well as obtain the relevant statutory clearances, in a definite time frame. In case the statutory clearances and or the financial closure are not forthcoming within the specified period, the provisional Lol shall be cancelled after following procedure laid down in the terms and conditions of the allotment,

(xiii) The allottee will have to commit that post-allotment, any changes in the ownership structure of the allottee, would be indicated upfront to the lessor. In case the lessor is of the opinion that such changes would be detrimental to public interest, such as higher power tariffs, reductions in the housing entitlements for the original target group (e.g. EWS/Poor/LIG), lower tax revenues, lower employment, etc., the lessor may cancel the allotment after following the usual formalities,

(xiv) In the event of special circumstances, the Government may, with the intention to protect and promote specific types of activities, or, to promote any emerging area of development activities, or, to reduce imbalances in any backward region, or, any strategic reason especially beneficial to the State, may with the approval of the State Cabinet, relax any or some of the above mentioned criteria. The sponsoring departments will be required to prepare Cabinet proposals indicating the full extent of relief with justification.

(xv) Notwithstanding (xiv) above, all decisions related to land allotment etc. should be proactively disclosed u/s 4, of the RTI Act.

4. The Departmental Secretaries may ensure strict compliance with the aforesaid policy-guidelines in the most transparent manner.

By order of the Governor,

R.D.Meena  
Principal Secretary to the  
Government of West Bengal

No.6686/1 (87)-LP

Date: 26/12/2012

Copy forwarded for information and necessary action to the:

1. Additional Chief Secretary/ Pr. Secretary/ Secretary to the Government of West Bengal  
..... Department.  
With the request to circulate this policy-guidelines to its parastatals (Corporations, Development Authorities), and urban local bodies etc. if any.
2. Commissioner, ..... Division.
3. Director of Land Records & Surveys, West Bengal.
4. District Magistrate & Collector .....
5. O.S.D. to Chief Secretary to the Government of West Bengal.

Sd/- Illegible  
Additional Secretary to the  
Government of West Bengal

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**Government of West Bengal**  
**Land and Land Reforms Department**  
**Writers' Buildings, Kolkata-700001**

**CIRCULAR**

No.1108-GE(M)/3M-35/09

Date: 28/2/2013

Whereas a meeting was taken by the Chief Secretary to the Govt. of West Bengal at Rotunda in the Writers' Buildings, Kolkata on 22/02/2013 to review the position of inter-departmental transfer of land;

2. And whereas the following guidelines relating to the inter-departmental transfer of land, have been framed in terms of the decisions taken in the said meeting dated 22/02/2013:

**1. Vested Land :-**

In case of land vested under the provisions of the Acts in force, if any plot of such land in part or in full is needed for any public purpose by any department of the State of West Bengal, the requiring department will send the proposal for inter-departmental transfer of such land direct to the DM & Collector of the district concerned with intimation to the LRC & Principal Secretary, L & LR Department along with the following papers and documents as may be applicable:

- a) Copy of RORs.
- b) Sketch Map /site plan of land duly authenticated by the Collector.
- c) Spot verification report of Amin /R.I. regarding the present status of the land.
- d) Report whether the land is free from encroachment and other encumbrances.
- e) Whether the land is free of litigation/court case.
- f) Whether the land is patta affected or not.
- g) Valuation of land as per latest order of the government.
- h) Whether the land proposed for transfer is included in any Notified Forest/ Protected Forest / Reserve Forest,
- i) In case of land within CRZ (Coastal Regulation Zone) area, whether clearance from the appropriate authority has been obtained.

If any plot of vested land required by a government department is lying under khatian-1 of the Collector and it is suitable for inter-departmental transfer, the DM and Collector will send a formal proposal recommending inter-departmental transfer of land along with requisite papers and documents to the Land & Land Reforms department for sanction. But if such vested land is possessed and owned by a government department, the DM & Collector will send the proposal for inter departmental transfer of land to the Land & Land Reforms department along with the order of relinquishment issued by the land owning department apart from other requisite documents,

**2. Acquired land :-**

In case of acquired land, where project/scheme is completed and surplus land is found available with the RB and it is also found suitable for any other public purposes of the state government, the administrative department (R.B.) will relinquish the land in favour of L & LR Department for its resumption and settlement in favour of other departments of the state government requiring the land for public purpose.

The department requiring such acquired land will obtain a relinquishment order from the administrative department (RB) well in time in favour of the Land & Land Reforms Department and thereafter send the proposal for inter-departmental transfer of such land direct to the DM & Collector concerned with intimation to the LRC & Principal Secretary, L & LR Department together with the following papers and documents as may be applicable:

- a) Copy of RORs.
- b) Copies of Gazette Notification u/s 4, Gazette Declaration u/s 6, Award in form 13 & 13A and possession certificate
- c) LA Plan and land schedule in respect of instant LA Case duly authenticated by the DM a Collector
- d) A copy of relinquishment order issued by the administrative department (RB).
- e) Plan for relinquished land — one on tracing cloth and six copies of ferro/ammonia print.
- f) Whether the land is free from litigation/court case.
- g) Whether the land is free from encroachment and other encumbrances.

On receipt of the proposal for inter-departmental transfer of acquired land from a government department requiring the land for a public purpose, the DM & Collector will examine the case and send the proposal along with requisite papers and documents to the Land & Land Reforms department recommending for inter departmental transfer of land in favour of the Government department requiring the land for sanction.



**3. Gifted land :-**

In case of land gifted/donated by a raiyat /institution for educational or charitable and other public purpose, the DM & Collector will send the proposal for transfer of such land through gift, to the Land & Land Reforms Department along with the following papers and documents in accordance with para 6 (4) under the chapter-I of the W.B.L.A. Manual, 1991, for issuance of order :-

- a) Copy RORs in respect of the gifted/donated land.
  - b) Draft deed of gift to be executed between the donor (land owner) and the donee (Requiring department).
  - c) Land Plan and land schedule duly authenticated by the DM & Collector of the district.
  - d) Copy of application of the land donor intending to gift the land free of cost.
  - e) Whether the land is free from litigation/encroachment/bargadars and other encumbrances.
  - f) Proposal for exemption of stamp duty and registration fee for execution of gift deed, if any.
3. Now, therefore, all concerned are requested to follow the above guidelines.

R.D. Meena

LRC & Pr. Secretary to the Govt. of West Bengal

No.1108/1(80)-GE(M)

Date : 28/2/2013

Copy forwarded for information and necessary action to the :

1. Addl. Chief Secretary/Pr. Secretary/Secretary to the Govt. of West Bengal ..... Department.
2. Commissioner, ..... Division, P.O. .... Dist. ....
3. D.L.R. & S. W.B., 35, Gopalnagar Road, Alipore, Kolkata – 700027.
4. Sri ....., Secretary/Additional Secretary/Joint Secretary, L & LR Deptt.
5. D.M. & Collector, ....., P.O. ...., Dist. ....

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Addl. Secy. to the Govt. of West Bengal.

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**Government of West Bengal**  
**Land and Land Reforms Department**  
**L.A. Branch**

**Nabanna, 325, Sarat Chatterjee Road, Howrah – 711102**

Memo No.1357/L.A./3M-14/2014

Date: 19.5.2014

The vested land which falls within the alignment of any acquisition proposal is presently acquired instead of Inter Departmental Transfer/Long Term Settlement on the basis of G.O. No. 1111-L.A.-3M/04 dated 04.04.2006.

But it has come to the notice of this Department that the R.Bs. are not able to get the ROR in respect of such vested land because as per present system of recording land can be transferred only through Inter Departmental Transfer/Long Term Settlement.

Now, therefore, the said G.O. i.e. G.O. no. 1111/L.A. dated 04.04.2006 is hereby withdrawn. Henceforth any vested land, if falls within the alignment of land acquisition, will not be acquired. It will be transferred to R.B. either through Inter Departmental Transfer or Long Term Settlement.

This order will take immediate effect.

A.K. Singh

L.R.C. & Additional Chief Secretary  
to the Government of West Bengal

Memo No. 9/3590-3607/C/14

Dated, Alipore, the 24<sup>th</sup> June, 2014.

Copy forwarded to District Land & Land Reforms Officer, ..... for information and taking necessary action.

A.K. Saha

For Director of Land Records & Surveys &  
Joint Land Reforms Commissioner, West Bengal

**Government of West Bengal**  
**Land and Land Reforms Department**  
**Land Policy Branch**  
**Nabanna (6<sup>th</sup> Floor)**  
**325, Sarat Chatterjee Road,**  
**P.S. – Shibpur, Howrah – 711102**

**MEMORANDUM**

No.3145-LP/1A-03/14

Date: 24/11/2014

It has been observed that often important infrastructure projects like food godowns roads, bridges etc. are not fully commissioned for want of small parcels of land. To ensure the optimal utilisation of public funds and early implementation of such projects, direct land purchase from land owners may become necessary.

2. The state government has considered the immediate need of land for such projects.

3. Now, therefore, the Governor is hereby pleased to allow the various departments to go in for the direct purchase of land for public purpose mainly involving the early commissioning of infrastructure projects like roads, bridges, food godowns, drinking water, flood protection and other similar projects in rural and/or urban areas through Zilla Parishad/Municipality/ Municipal Corporation/other Govt. bodies and parastatals, as the case may be, by adopting the following procedures:

- (i) The administrative department(s) will take concurrence of the Standing Committee on Industry, Infrastructure & Employment before going ahead with the purchase of land indicating its tentative location and quantum.
- (ii) A 15-day local notice mentioning preference and details of land intended for purchase shall be given in the public offices and local newspaper(s) informing the prospective land owners and requesting them to submit application in plain paper indicating their intention to sell their lands.
- (iii) The department concerned will select the appropriate plot(s) of the land to be purchased as per suitability and other considerations from among the applications/offers received on the basis of the notice.
- (iv) The relevant administrative department will undertake land searching through the panel advocate(s) at the respective sub-registry office to guard against fraudulent transfer. Besides, the BL&LRO will verify the right and title of the selected lands within 14 days and shall furnish report in the enclosed format to the purchase committee.
- (v) Land would be purchased through the Zilla Parishad/Municipality/ Municipal Corporation/ Parastatal as may be decided by the administrative department(s).
- (vi) Funds will be allotted to the Zilla Parishad/Municipality/ Municipal Corporation/Parastatal by the administrative department for payment to land owners and payment will be made to their bank accounts. An appropriate administrative cost will be given to Zilla Parishad/ Corporation by the administrative department.
- (vii) A committee of the following officials will finalise the price of land for the purchasing department:
  - (a) Nominee of the government - Chairperson
  - (b) DL&LRO - Member
  - (c) Special LAO - Member
  - (d) Two members from the concerned Panchayat Samity to be nominated by the Chairperson - Members
  - (e) FC & CAO, Zilla Parishad – Member
  - (f) Representative of administrative department - Member
  - (g) District Registrar - Member
  - (h) Secretary Ziila Parishad - Member Secretary

In case of purchase of land for Municipal areas, the Chairman of Municipality will also be a Member of the Committee in place of the members of Panchayat Samities in Sl. (d).

- (viii) For areas under Municipal Corporations the Purchase Committee will be as follows:
- (i) State Government nominee - Chairperson
  - (ii) Mayor - Member
  - (iii) Municipal Commissioner/CEO, Corporation — Member
  - (iv) DL & LRO/ 1st LA Collector - Member
  - (v) District Registrar - Member
  - (vi) Special LAO - Member
  - (vii) Two members from Ward Councillors to be nominated by the Chairperson - Members
  - (viii) Chief Municipal Auditor, Corporation - Member
  - (ix) Secretary, Corporation - Member Secretary
- (ix) Value of buildings/structures, would be assessed by the Executive Engineer, PWD/Municipal Engineering Directorate/District Engineer/Executive Engineer, Zilla Parishad or by such agency as the administrative department may decide.
- (x) The base price of the land will be determined taking into account the assessed value of land or set forth value of land whichever is higher. Incentive on the price of land finally determined will be given to the land owner if land registration is done: (a) within 30 days - 50% (b) within 31 - 60 days - 10%, from the date of publication/communication of land price to the landowners. For this purpose, individual land owner will be informed of the price of land in writing by the Member-Secretary of the Land Purchase Committee, for registration of sale deed.
- (xi) After the purchase of land from the land owners, land will be registered in the name of Zilla Parishad / Municipality / Municipal Corporation / Parastatal. Thereafter, Zilla Parishad / Municipality / Municipal Corporation / Parastatal, as the case may be, could formally transfer the land in favour of administrative department(s).
- (xii) Care would be taken by the Zilla Parishad/ Municipality/Municipal Corporation/Parastatal to ensure that the entire transaction is fair and transparent and it is based on mutual consent. There shall be no element of coercion.
- (xiii) Stamp duty shall be exempted for such purchase of land by Zilla Parishad / Municipality / Municipal Corporation / Parastatal and also for subsequent transfer to administrative department(s).
- (xiv) The Panchayat and Rural Development Department will issue direction upon all the Zilla Parishads concerned to purchase land for other department(s) u/s. 212 of the West Bengal Panchayat Act, 1973.
- (xv) The Municipal Affairs Department will issue direction upon all the Urban Local Bodies to purchase land for other department(s) u/s. 429B of the West Bengal Municipal Act, 1993.
- (xvi) In case, the aforesaid Purchase Committee fails to perform its functions within a reasonable time the administrative department would be free to use any Corporation /Parastatal/Authority under its control to purchase the land on the same terms & conditions as prescribed above.
- (xvii) This has the concurrence of the Finance Department vide U.O. No. Group T/2014-2015/0784 dated 14/11/2014

By Order of the Governor  
A.K. Singh  
OSD & EO ACS & LRC

**FORMAT**

District	Block		
Name of Gram Panchayat	Mouza		Plot No.
Mention the total area of land			
Documents to be examined	Deed	ROR	If ROR is not available, Chain Deed to be examined
Distance from the nearest approach road to the plot of land			
Distance of the source of water from the proposed land (KM/Metre)			
How far is the proposed land from main road (KM/Metre)			
Whether the land gets water logged in the rainy season      Yes/No			
Do the land gets flooded during rainy season?      Yes/No			
Mention the type of land according to the slope    up land /medium land/low land			
Whether title is clean and land is free from encumbrances.			

(BL & LRO)  
(Representative of Administrative Department)

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