

7-A. INSTRUCTION ON CONVERSION OF LAND

In Kolkata Properties

No.348/CMDA/Sectt./VIII-30/90

dated : 03.08.98

From : Dy. Secretary (Constn.)
C.M.D.A.

To
The Addl. District Magistrate & DLLRO
South 24-Parganas, Alipore,
(Panchannagram Estate)
New Treasury Building, (8th floor),
Calcutta – 700027.

Sub : Prayer for registration/mutation of holding No.77 & 77A in Sub-Division No.V within Division No.II at 32, Canal Circular Road (New 160, Manicktala Main Road) Calcutta – 700054.

Sir,

I am directed to refer to your letter No.815/LR dt.19.06.98 and to inform you that :

(a) C.M.D.A. in exercise of the power conferred upon it under section 134 of the West Bengal Town and Country (Planning and Development) Act, 1979 delegate its power to grant or refuse the development permission as required under Section 46 of the said Act to local bodies subject to certain conditions as specified in this office Notification No.1111/CMDA/Sectt./I-98/85(Pt.) dated 06.01.86. Condition-13 of the said Notification indicates that :

“13. Filling of tanks/ponds/water body/ marshy land etc. is development within the meaning of Sub-Section (7) of Section 2 of the West Bengal Town & Country (Planning & Development) Act, 1979. For such development no permission shall be given for the tanks/ponds/water body/ marshy land etc. if it is considered necessary (a) for being used as Public Water Body, (b) for maintaining the drainage facility of the locality, (c) fire fighting purpose, (d) for retaining the existing use for environmental and ecological point of view, (e) for pisciculture purpose, (f) for any other material consideration of public interest as may be deemed fit by the concerned local Authority.”

(b) In terms of Section 38 of the West Bengal Town and Country (Planning and Development) Act, 1979, Land use and Development Control Plan for Calcutta Municipal Corporation area has been published and the same is in operation. Chapter 21. 0(2) of the said Plan indicates that :

“No Canal pond, Water body or wetland shall be filled up; provided that after taking in view the drainage, ecology and environment, pisciculture, fire fighting or any other material consideration the CMDA may, for reasons to be recorded in writing and with the previous approval of the State Govt., allow any canal, pond, water body, or wet land to be filled up.”

(c) There are also restrictions imposed upon conversion of water area etc. for other use under Section 17A of Chapter-III A of the West Bengal Inland Fisheries (Amendment) Act, 1993 (W.B. Act, XIX of 1993).

The proposal for filling up of any water body thus has to be examined from the above points of view.

Further, it is also stated in this regard that CMDA has nothing to offer its views, under the law, in the matter concerning mutation/ conversion of any land.

Yours faithfully,
Sd/- Illegible
Dy. Secretary (Constn)
C.M.D.A.

Government of West Bengal
Office of the Director of Land Records & Surveys and
Joint Land Reforms Commissioner, West Bengal.
35, Gopalnagar Road, Alipur, Calcutta-700027.

Memo no 31/6885-901/C/98

dated, Alipur, the 13th Dec, 2000

To
The District Land & Land Reforms officer,
Hooghly

Sub : Vesting of power of Block Land & Land Reforms Officers and R.Os. to lodge complaint before the appropriate forum for any change of the character of lands etc.

A copy of D.L.L.R.O. Malda's memo no. Misc-EP-104/9053 dtd. 26.9.2000, on the above mentioned subject is sent herewith for guidance.

Enclose as stated.

A. Bhattacharjee
For Director of Land Records & Surveys and
Joint Land Reforms Commissioner, West Bengal

Government of West Bengal
Office of the District Land & Land Reforms Officer,
Malda

Memo no. misc-EP-104/9053

dated, Malda, the 26.9.2000

In exercise of the power conferred by Sub-section of Section 4D of W.B.L.R. Act (W.B. Act X of 1956), the undersigned do hereby empower all Revenue Officers and Block Land & Land Reform Officers posted within the district Malda to lodge complaint before the appropriate forum for any change, conversion or alteration in the area, character or mode of use of any land, except in accordance with the provisions of Section 4C or any violation of the order of the Collectors under Sub-section(5) of Section 4C of the said Act in respects of the lands within their jurisdiction.

Sd/- Illegible
District Land & Land Reforms Officer,
Malda and
Collector U/S 2(4) of the WBLR Act, 1955
(Notification No.54-L.Ref. dtd.23.2.1989)

Memo. No. Misc-EP-104/9054-9129 dtd 26.9.2000

Copy forwarded to 2) D.L.R.&S & Jt. L.R.C.,W.B.
for favour of kind information.

Sd/- Illegible
District Land & Land Reforms Officer,
Malda

●
Government of West Bengal
Land & Land Reforms Department
L.R Branch.

No. 3637(4)-LR/3T-13/02 GE(M)

Dated : 13.12.2004

From : The Joint Secy. to the Govt. of West Bengal.

To : The A.D.M and D.L.L.R.O

.....

Sub : Conversion of land for the purpose of setting up a bought leaf factory.

The undersigned is directed to refer to the above subject and to say that according to the recommendation of the Committee on Tea formed under the Chairmanship of the Principal Secretary, Commerce & Industries Department and as approved by the Standing Committee of the Cabinet, conversion of land should not be allowed for the purpose of setting up a bought leaf factory unless the Commerce & Industries Department recommends such conversion.

He is, therefore, requested not to issue any order for conversion of land for the purpose of setting up a bought leaf factory in respect of any case where there is no recommendation of the Commerce and Industries Department for such conversion.

Sd/-Illegible
Joint Secy. to the Govt. of West Bengal.

No. 3637(4/1(6))-LR. Dated : 13.12.2004.

Copy forwarded for information and necessary action to :-

- 1) The Secretary to the Government of West Bengal, Commerce & Industries Deptt.
- 2) The Commissioner, Jalpaiguri Division, P.O. & Dist. Jalpaigiri.
- 3) The District Magistrate and Collector,.....

Sd/-Illegible
Joint Secy. to the Govt. of West Bengal.

●

Government of West Bengal
Land and Land Reforms Department
IS Branch
Writers' Building, Kolkata- 700001.

No. 3684(18)-IS
264/05

date: 7/7/05

To
The District Magistrate and Collector

Sub : Indispensability of consulting L.R. Authorities before sanction of building plans by local bodies/development authorities.

It has come to the notice of the Land and Land Reforms Department that some developers/promoters are displaying advertisements/ hoarding with invitation to the public for acquiring residential flats etc. under their prospective housing projects. Such advertisements/ hoardings do not at all embody any specific information even of precise location not to speak of land schedule in particular, covered under such projects. Naturally L.R. Authorities of the concerned area remain in dark and often abruptly face odd and unpleasant situation as to mutation and conversion of the land involved with such projects particularly when the issues come to such L.R. Authorities for mutation/ conversion after building plan thereupon is sanctioned by the Municipal / Development Authorities etc. It has mostly been noticed that building plans in such cases are sanctioned without consultation and/or in ignorance of the recorded character of the land featured in ROR. Besides, instances are not very rare when building plans are sanctioned upon lands under litigations as to assumption, resumption and the like. Thus the issues become more and more complicated and often L.R. Authorities have to face unwanted embarrassing situation, more disappointing aspect of the matter is that sometimes the L.R. Authorities are not allowed easy access to the sites for inspections obligatory under the WBLR Act for performance of their duties as the developers/ promoters cover the sites with walls on all sides keeping the entry gates under lock and key and prefer a plea that they are for such purpose guided by the stipulation of WBT&C (P&D) Act, 1979 that they have got permission under that Act.

2. The complexities may not be compounded if the local L.R. Authorities have previous adequate information of the land use plan of the area or at least they are consulted by the local authorities before

sanction of such projects so as to avoid the scope of diverse observation of the two authorities on the same issue and also to ensure that mutation/conversion cases are processed smoothly.

3.1 It is on this background he is requested to impress the matter upon all concerned and widely circulate this amongst all Municipal Bodies and Development Authorities of his jurisdiction with a request to them for sincerely and seriously cooperating.

- a) to provide the local L.R. Authorities e.g. BLLRO/SDLLRO/DLLRO with a land use plan of the developing area before hand whenever possible ; and
- b) essentially to consult such authorities with ROR of the land well before sanction of any building plan.

so that irregularities/ hindrances, if any standing in the way may be appropriately sorted out for solution.

3.2 This may also be circulated amongst the Panchayat Bodies for adherence.

S. Banerjee
Joint Secretary
Land and Land Reforms Department

No.3684/1(3)-IS

dated : 7/7/05.

Copy forwarded to the :

- 1) Municipal Affairs Department, Writers' Buildings, Kolkata- 700001.
- 2) Urban Development Department, Jessop Buildings, Kolkata- 700001.
- 3) Panchayat & R.D. Department, Jessop Buildings, Kolkata- 700001.

for information

2. They are requested to suitably instruct the Municipal Bodies/ Development Authorities/ Panchayat Bodies, under them to follow the norms enumerated afore.

3. A line in reply as to action taken by them is highly solicited.

S. Banerjee
Joint Secretary
Land and Land Reforms Department

No.3684/2(18)-IS

dated : 7/7/05.

Copy forwarded to the :

District Land & Land Reforms Officer,
- for information and wide circulation amongst all concerned

2. Problems, if any, may be reported.

S. Banerjee
Joint Secretary
Land and Land Reforms Department

No.3684/3-IS

dated : 7/7/05.

Copy forwarded to the Director of Land Records & Surveys and Joint Land Reforms Commissioner, W.B., 35, Gopalnagar Road, Kolkata- 700027.

- for information and necessary action with reference to Memo No. 4488/C Group/05 dt. 20.5.2005.

S. Banerjee
Joint Secretary
Land and Land Reforms Department

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

Memo .No. 60/2486/C/06

Dated, Alipur the 2nd August, 2007

From : Director of Land Records & Surveys
and Jt. Land Reforms Commissioner,
West Bengal

To
The ADM & District Land & Land Reforms Officer,
South 24-Parganas at Alipore,
Kolkata- 700027.

Sub : Use of unofficial guidelines

It was reported by you that an unofficial guideline is being followed in your district which has not been officially sent by the Directorate for conversion cases. You are directed to ensure that only the guidelines which have been officially issued by the Land & Land Reforms Department/Directorate of Land Records & Surveys under proper Memo Nos. are followed. No other documents should be used as a guidelines for disposal of conversion cases or any other official work.

You are further requested to intimate as to when this unsigned circular on the procedure for conversion was sent by the Directorate and since when this unofficial document is being used for disposal of conversion cases.

In case, any such document is being used for other purposes, this should be stopped immediately and brought to the notice of the undersigned at once.

The report should reach the undersigned by 7th August, 2007.

B.P. Gopalka
Director of Land Records & Surveys and
Joint Land Reforms Commissioner, West Bengal.

Government of West Bengal
Office of the District Land & Land Reforms Officer,
South 24-parganas
New Treasury Buildings (8th Floor), Alipore, Kolkata - 700027

Memo No. 131/3293/P/07

dated- 24-7-2007

To The Director of Land Records & Surveys and
Joint Land Reforms Commissioner, West Bengal

Sub : Guidelines required for disposal of conversion cases.

Sir,

From sometime past we are facing some problems in disposing of conversion cases within frame of time limit fixed for such purpose. In most cases related with setting-up of industry, Housing Complex, Educational Institution, Health Unit, Commercial Complex etc. the petitioners cannot meet up the required papers as quickly as desired. Also, the authorities with whom we make correspondences for their views such as L.A., U.L.G. T & C.P. Authorities etc., are not sending their views quickly which causes unwanted delay in disposing of cases.

During the tenure of erstwhile D.L.R.&S. we got an unsigned guideline in Bengali in detail which we are following in the district (copy enclosed). We prepared Check list for the B.L.& L.R.Os to check at-a-glance position' of the case record while they forward the case records(copy enclosed).

We have also got an unsigned guideline (in English) prepared on 14/02/2007. Against the said guideline my predecessor in chair might have forwarded specific opinion. Perhaps the said guideline has not been finalized as yet at your end(copy enclosed).

Another important issue is mentioned that my predecessor in chair made a convention regarding approach road to the project land where there is necessity of N.O.C for construction of culvert over a Govt. canal/ Nayanjuli.

In fine we request that a clear guideline may be framed from your end at a very early date to overcome the problems.

Encl : As stated

Yours faithfully,
Sd/- Illegible
Additional District Magistrate & District
Land & Land Reforms Officer,
South 24-Parganas, Alipur

————— ● —————
Government of West Bengal
Office of the Director of Land Records & Surveys and
Joint Land Reforms Commissioner, West Bengal.
35, Gopalnagar Road , Alipur , Calcutta -27

No. 265/3065/C/07

Dated, Alipore the 4th October, 2007

To
The District Land and Land Reforms Officer,
Nadia.

Sub : Regarding conversion.

Ref : His Memo No. 2991,dtd .16-8-07.

Subject and reference above.

This is to inform him that there is no provision for post facto approval of conversion of land u/s 4C of the W.B.L.R Act 1955. If the conversion had already been made without the prior permission of the Collector, action may be taken as per appropriate provision of the W.B.L.R. Act.

A.K. De
for Director of Land Records & Surveys and
Joint Land Reforms Commissioner, West Bengal.

————— ● —————
Government of West Bengal
Land & Land Reforms Deptt,
IS Branch

No. 1486(18)-IS/349/04.

Date 26.2.09.

From : The Asstt. Secy. to the Govt. of W. Bengal.

To : The District Land and Land Reform Officer, All.

Govt. circular bearing memo no. 3607(18)-IS-151/07, dt 30.5.2007 so much as it relates to ex-post facto permission for conversion of land in those cases where petitions were filed with fees before effecting conversion stands cancelled.

All concerned are requested to act accordingly.

P. Kundu
Assistant Secretary
to the Govt. of West Bengal.

No.1486/1-IS.

Dt.26.2.09.

Copy forwarded for information & necessary action to the Director of Land Records & Surveys & jt. L.R.C., W.Bengal,35,Gopalnagar Road, Alipur, Kolkata-27.

P. Kundu
Assistant Secretary

Memo no.9/868-85/C/07(B/S)

dated : 28th May, 2009.

Copy forwarded to the D.L. L.R.O.-

For information and necessary action.

S.K.SAHA

For Director of Land records & Surveys and
Joint Land Reforms Commissioner, West Bengal.

**Government of West Bengal
Land & Land Reforms Deptt,
IS Branch**

Memo No. 3607(18)-IS/151/07

Date : 30.05.2007.

From : The Asst. Secy. to the Govt. of W. Bengal

To : The D.L. & L.R.O.,

It has since come to the knowledge of this Deptt. that there are good number of cases where the land after purchase has been converted even before getting the permission. A sizable number of them applied for conversion and paid the fees. Those cases are genuine and bonafide as all of them applied with fees. But since the matter was not being attended promptly, the petitioners had to go for conversion. After careful consideration of the matter it has been decided to authorize the D.L & L.R.O.s to issue permission to those cases where the petitions were filled with fees before effecting conversion. This has the approval of L.R.C. & Pr. Secy. of this department.

All concerned are requested to act upon this order accordingly.

P. Kundu

Asstt. Secy. to the Govt. of W.B
L. & L.R. Depptt.

**Government of West Bengal
Land & Land Reforms Deptt,
Land Reforms Branch
Writers' Buildings, Kolkata-700001**

No.643-LR/1A-01/2009

dated, Kolkata, the 6th February ,2009

O R D E R

Whereas it has been brought to the notice of the State Government that realization of fees payable for processing the cases of mutation and conversion only on court fees stamp causing problem when the amount is large.

2. And whereas the State Government considered it necessary to prescribe such a manner for payment of such fees that there may not be any problem in this regard.

3. Now the Governor, after careful consideration of the matter has been pleased to direct that the fees for mutation and conversion shall be paid in the following manner :-

a) Application fee shall be paid through court fee stamp.

b) Fees for mutation and conversion shall be paid by way of Bank draft/pay order or treasury challan under the head of account "0029-LR-00-800-Other Receipt-006-Miscellaneous Receipts not connected with Govt. Estates -27-Other Receipt" which should have to be countersigned by the appropriate officer of the concerned offices or through DCR in cash upto a maximum of Rs. 500/-

4. This issues in modification of all the circulars/orders issued in this regard.

By order of the Governor.

Balbir Ram

Pr. Secy. to the Government of West Bengal

No.643/1(20)-LR

Dated, Kolkata, 6th February,2009

Copy forwarded for information and necessary action to the :

- 1) Director of Land Records & Surveys, West Bengal, 35, Gopalnagar Road, Alipur, Kolkata-27.
- 2) Additional District Magistrate and District Land & Land Reforms Officer,
.....P.O.Dist.

He is also requested to circulate it to all the Sub-divisional Land & Land Reforms Officer & Block Land & Land Reforms Officers in the districts immediately.

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

————— ● —————
Government of West Bengal
Office of the Director of Land Records & Surveys and
Joint Land Reforms Commissioner, West Bengal.
35, Gopalnagar Road, Alipore, Kolkata - 700027

No. 7/1453-70/C/07

Dated, Alipore the 14th July, 2009

From : Director of Land Records & Surveys and
Joint Land Reforms Commissioner, West Bengal.

To : The District Land and Land Reforms Officer

Sub: Payment of fees for mutation and conversion

Please find enclosed a copy of the Order No.634-LR/1A-01/2009 dated Kolkata, the 6th February 2009 of the Land & Land Reforms Department regarding procedure for payment of mutation and conversion fees.

You are requested to circulate the said order to all the SDL&LROs/BL&LROs for strict compliance.

Accordingly, henceforth it should be ensured that mutation/conversion cases are received as soon as the applicant submits these cases and payment of mutation/conversion fees shall be as per the procedure prescribed in the above mentioned order of the Land and Land Reforms Department. Receipt of mutation/conversion fees should not be done through court fees.

It is again mentioned that as per the order of the Land and Land Reforms Department only the application fee has to be paid through court fees stamp. The mutation/conversion charges up to Rs 500 may be paid through DCR and that payment of any amount may be done through Bank draft/pay order or treasury challan under the Head of Account"0029-LR-00-800-Other receipt-006-Miscellaneous receipts not connected with Govt. Estates-27-Other Receipts" countersigned by the appropriate officer of the concerned office.

This order is to be strictly followed and complied and it should be ensured that no complaints are received regarding applicants being asked to submit mutation/conversion fees through court fees.

In case any such incident comes to the notice, the matter would be viewed seriously and action would be taken against concerned official.

The above order should also be displayed on the Notice Board of SDL&LRO and BL&LRO Offices for information of the public.

B.P. Gopalika
Director of Land Records & Surveys and
Joint Land Reforms Commissioner, West Bengal

●

**Government of West Bengal
Land & Land Reforms Deptt.,
Land Reforms Branch
Writers' Buildings, Kolkata-700001**

No. 3614-LR/1A-01/09GE(M)

Dated, Kolkata the 5th August, 2009

Whereas it has been noticed by the State Government in the recent past that mutation and conversion of land acquired under the provisions of the Land Acquisition Act, 1894 (Act I of 1894) (hereinafter refer to as the said act) are delayed due to various complications involved in processing such cases.

2. AND Whereas the State Government have considered it necessary to make the procedure simplified for disposal of mutation and conversion cases within a time bound manner in respect of the land acquired under the said Act.

3. Now the Governor after careful consideration of the matter has been pleased to order as follows:

(1). The Requiring Body shall be asked to submit application in plain paper both for mutation and conversion of the land proposed for acquisition under the said Act at the time of submission of acquisition proposal before the Land Acquisition Collector concerned.

(2). The Land Acquisition Collector concerned when calculating the administrative cost to be paid by the Requiring Body will include requisite fee towards application fee and process fee for mutation and conversion of such land at the rate specified in Circular No. 4402-LR dated 28.12.2005 and No.4403-LR dated 28.12.2005.

(3). As soon as the Land Acquisition Collector concerned make over possession of the land by way of 'writ of possession' to the Requiring Body after completion of acquisition under the said Act, the said 'writ of possession' along with copy of notification and declaration as well as the application for mutation and conversion as already received shall be forwarded by him to the Block Land & Land Reforms Officer concerned for necessary mutation and conversion of the land so acquired.

(4). Land Acquisition Collector when sending the documents as stated in para (3) above shall make necessary payment of the requisite amount towards application fee and process fee for mutation and conversion of the land as already deposited with him in the manner as specified in order No. 643-LR dated 06-02-2009.

(5). The Land Acquisition Collector concerned shall furnish all the documents as mentioned in para (3) above to the Block Land & Land Reforms Officer concerned within seven days from the date of handing over possession to the Requiring Body as well as to make necessary payment of the requisite amount as stated in para (4) above.

(6). The Block Land & Land Reforms Officer concerned shall complete the process of mutation in respect of such land within seven days from the date of receipt of the relevant documents along with requisite fees from the Land Acquisition Collector concerned and make corrections in the Record of Rights in such manner as provided in sub para (5) of para 3 of G.O. No. 644-LR dated 06.02.2009.

(7). As soon as mutation is completed the Block Land & Land Reforms Officer concerned shall send the case record to the District Land & Land Reforms Officer who will issue conversion order within seven days from the date of receipt of the case record from the Block Land & Land Reforms Officer concerned.

(8). The entire amount towards application fee and process fee for mutation and conversion of such land shall be deposited with the Block Land & Land Reforms Officer concerned who will maintain the account in the appropriate manner.

4. This issues in modification of G.O. No.1511-LR dated 06.06.2006.

By Order of the Governor,
Balbir Ram
Principal Secy. to the Govt. of West Bengal.



<http://wbllroa.in>

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

NOTIFICATION

No. 4296-LR/1A-05/07 GE (M), the 17th September, 2009. -In exercise of the power conferred by clause (4) of section 2 of the West Bengal Land Reforms Act, 1955(West Ben. Act X of 1956) and in supersession of all earlier notifications on the subject -matter, the Governor is pleased hereby to appoint, with immediate effect, the officers mentioned in column (2) of Table below to discharge the functions of a Collector in respect of the conversion cases i.e. change of area, character or use of land under section 4C of said Act, within the jurisdiction mentioned in column (3) of the said Table against each such officers:-

Table

Sl. No.	Officers	Jurisdiction
(1)	(2)	(3)
1.	Block Land & Land Reforms Officer	Conversion of agricultural land, not exceeding 0.10 acre, for non- agricultural purpose including homestead as well as for commercial and industrial purpose and vice versa;
2.	Sub-divisional Land & Land Reforms Officer	Conversion of agricultural land, exceeding 0.10 acre but not exceeding 1.00 acre, for non- agricultural purpose including homestead as well as for commercial and industrial purpose and vice versa;
3.	District Land & Land Reforms Officer	All other cases not shown in column (3) of serial Nos 1 and 2 above.

By Order of the Governor,

Dr. P. K. Agrawal
Commissioner General, Land Reforms and
Additional Chief Secy. to the Govt. of West Bengal.

— ● —
The Kolkata Gazette
Extraordinary
Published by Authority

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

NOTIFICATION

No. 4297-LR/1A-05/07 GE(M), the 17th September, 2009.- WHEREAS the draft amendments was published as required by Sub-section (1) of section 60 of the West Bengal Land Reforms Act, 1955 (West Bengal Act X of 1956)(hereinafter referred to as the said Act) vide notification No. 2969-LR/1A-05/07 GE(M), dated the 1st day of July, 2009, in the Kolkata Gazette, Extraordinary, dated the 1st day

of July, 2009, inviting objections and suggestions from all persons likely to be affected thereby, within fifteen days from the date of its publication;

AND WHEREAS no objections or suggestions have been received by the State Government till date;

NOW, THEREFORE, in exercise of the power conferred by section 60 of the said Act, the Governor is pleased hereby to make, with immediate effect, 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,-

1. For rule 5A, substitute the following rule :-

“5A. Manner of change of character, conversion or alteration in mode of use of land held by raiyat. (1) Any raiyat intending to change the character, convert or alter the mode of use of any land held by him, shall make an application to the officer concerned empowering, in writing, to discharge the function of the collector of such change, conversion or alteration under section 4C, in Form 1A and shall be accompanied by such documents as mentioned in the said Form 1A.

(2) If the application as mentioned in sub rule (1) relates to permission for change, conversion or alteration in any land having water body of any description or size, such application shall be accompanied by an affidavit in form 1B for creation of compensatory water body of equal or larger size of such water body which is sought to be changed, converted or altered in the same mouza or in the adjoining mouza.

(3) The Block Land & Land Reforms Officer shall dispose of the application as mentioned in sub rule (1) relating to conversion of agricultural land not exceeding 0.10 acre, for non- agricultural purpose including homestead as well as commercial and industrial purposes and vice versa.

(4) The Sub-divisional Land & Land Reforms Officer shall dispose of the application as mentioned in sub rule (1) relating to conversion of agricultural land exceeding 0.10 acre but not exceeding 1.00 acre, for non- agricultural purpose including homestead as well as commercial and industrial purpose and vice versa.

(5) The District Land and Land Reforms Officer shall dispose of the application as mentioned in sub rule (1) for conversion of land for all other purposes including water bodies as specified above.

(6) After receiving the application as mentioned in sub-rule(1), the Block Land and Land Reforms Officer may himself conduct necessary inquiry or may cause it to be done by the Revenue Officer attached to his office to ascertain if the applicant is bonafide holder of the land sought to be changed, converted or altered and all the persons having interest in such land have joined in the application, and as well as in all cases, to ascertain the followings:-

- (a) If the proposed change of character, conversion or alteration in the mode of use of a land is likely to cause inconvenience to the residents of the surrounding area;
- (b) if the proposed change of character, conversion or alteration in the mode of use of a land will interfere with the normal agricultural activities in the surrounding area;
- (c) if the proposed change of character, conversion or alteration in the mode of use of a land will in any way hamper the public easement recorded in respect of such land;
- (d) if there is any bargadar in respect of the land sought to be changed, converted or altered;
- (e) if such permission is in any way prejudice the application of the provision of Sub-section (3) of section 6 of the West Bengal Estates Acquisition Act, 1953 (West Ben. Act I of 1954) or the provisions of the Urban Land (Ceiling and Regulation) Act, 1976(33 of 1976), or the provisions of West Bengal Town and Country (Planning and Development) Act, 1979(West Ben. Act XIII of 1979) or the provisions of the East Kolkata Wetland (Conservation and Management) Act, 2006(West Ben. Act VII of 2006), if applicable.

(7) No field enquiry shall be conducted without giving at least 7 days' notice to the applicant specifying the date and time of such enquiry.

(8) On receiving the application as mentioned in sub rule (1), the Sub-divisional Land & Land Reforms Officer or the District Land and Land Reforms Officer, as case may be, shall obtain necessary report from the Block Land and Land Reforms Officer who will conduct all such enquiry or enquiries as stated in sub-rule(7).

(9) Where the application as mentioned in sub rule (1) relates to permission for conversion of any land having water body of any description or size, the Block Land and Land Reforms Officer shall also be asked to conduct necessary inquiry to ascertain if the person holding the land identified for creation of compensatory water body has permanent and transferable right, title and possession over such land and is agreeable for necessary transfer of such land for creation of compensatory water body therein. The District Land and Land Reforms Officer shall get the required report of the Block Land and Land Reforms Officer directly to save time.

(10) As soon as necessary inquiry is completed, notice shall be issued to the applicant concerned and bargadar, if any and all other persons interested in such land or affected in any way for giving them an opportunity of being heard specifying the date and time when such hearing shall be taken, and the date so fixed shall not be extended except in the deserving cases duly recorded the reasons thereof in the relevant order sheet of the case record. If there is bargadar on the land, no permission for conversion of land may be granted save and except the cases where permission for conversion relates to such purposes as stated in the proviso to sub-section (5) of section 20B of the Act and written confirmation from the bargadar is submitted by the applicant concerned to the effect that he has been properly compensated in accordance with the said proviso to sub-section (5)

(11) The Block Land and Land Reforms Officer or the Sub-divisional Land & Land Reforms Officer or the District Land and Land Reforms Officer, as the case may be , shall after considering the facts and circumstances of the case and after giving the applicant and other concerned persons including bargadar, if any, an opportunity of being heard, by order in writing, either reject the application or direct change, conversion or alteration as sought for on the following terms and conditions and such other terms and conditions as he may think necessary :-

- (a) that the order directing change, conversion or alteration is without prejudice to any of the provisions of chapter-IIB of the said Act;
- (b) that the order directing change, conversion or alteration is without prejudice to the provisions of sub-section (3) of section 6 of the West Bengal Estates Acquisition Act,1953 (West Ben. Act I of 1954).
- (c) that where the land is situated within any urban agglomeration within the meaning of the Urban Land (Ceiling and Regulation)Act,1976(33 of 1976), the order directing change, conversion or alteration is without prejudice to the provisions of the said Act;
- (d) that where the land is situated within the jurisdiction of a Development Authority constituted under the West Bengal Town and Country (Planning and Development) Act,1979(West Ben. Act XIII of 1979), the order directing change, conversion or alteration is without prejudice to the provisions of the said Act;
- (e) that where the land is situated within the areas of East Kolkata Wetlands as defined in the East Kolkata Wetland(Conservation and Management)Act,2006(West Ben. Act VII of 2006), the order directing change, conversion or alteration is without prejudice to the provisions of the said Act;
- (f) that where the object of change or conversion is to use the land for a purpose for which approval or permission or license from an appropriate authority is necessary, the order directing change, conversion or alteration is subject to obtaining such approval or permission or license from such authority as soon as the order granting change or conversion as sought for is made; and
- (g) that where the application relates to permission for change, conversion or alteration of any land having water body, the order directing change, conversion or alteration is subject to creation of compensatory water body of equal or larger size of such water body within a period of 90 days from the date of issue of the order granting change, conversion or alteration as sought for is made.

(12) While directing change, conversion or alteration of any land having water body of any description or size the District Land and Land Reforms Officer shall also ask the applicant concerned in writing to produce documents showing that compensatory water body has been created within the

stipulated period of time after having the identified land transferred formally from the person concerned holding such land and such document shall have to be submitted within a period of 15 days after expiry of the stipulated period of 90 days for creation of such compensatory water body failing which the order issued for change, conversion or alteration of the land having water body shall be cancelled by the District Land and Land Reforms Officer who may also make an order directing the applicant concerned for restoration of the water body if already changed or converted within a period of 90 days from the date of issuance of such direction at his own cost and report compliance thereof to the District Land and Land Reforms Officer :

Provided that the District Land and Land Reforms officer shall not make any order directing change, conversion or alteration of any land having water body unless he has made a prior consulting in writing with the Fisheries Department and the Environment Department at the block or regional level for obtaining necessary clearance in this regard :

Provided further that if the applicant concerned produces necessary clearance certificate obtaining from the aforesaid Departments of the State Government before the District Land and Land Reforms Officer, no such consultation is required for making necessary order directing change, conversion or alteration of land having water body for which permission is sought for.

(13) If the District Land and Land Reforms Officer on enquiry finds that the direction for restoration of the water body in question has not been complied with he shall take action for such restoration and realize the cost for restoration from the applicant concerned. In case of failure to pay the cost of restoration, the District Land and Land Reforms Officer may realize the cost as a public demand in accordance with the provisions of the Bengal Public Demands Recovery Act, 1913 (Ben. Act III of 1913).

(14) Every application relating to change, conversion or alteration in the mode of use of any land shall be disposed of by written order either rejecting such application or directing such change, conversion or alteration, as the case may be, within a period of not exceeding 90 days from the date of receiving such application and in case disposal of an application cannot be made within the said period of 90 days, reasons thereof shall be recorded in the relevant order sheet of the case record.

(15) Every application relating to change, conversion or alteration in any land having water body shall be disposed of by written order either rejecting such application or directing such change, conversion or alteration, as the case may be, within a period of not exceeding 120 days from the date of receiving such application and in case disposal of such application cannot be made within the said period of 120 days, reasons thereof shall be recorded in the relevant order sheet of the case record.

(16) In respect of every order directing change, conversion or alteration of any land

- (a) in case of land without having any water body, it has to be specified that such change, conversion or alteration shall take effect from the date of issuance of such order; and
- (b) in case of land having any water body, it has to be specified that such change, conversion or alteration shall take effect from the date of conversion of water body or from such date as may be stated in such order”;

2. After Form 1, insert the following Forms:-

FORM 1A

Application for change of character, conversion or alteration in the mode of use of land

(see sub-rule (1) of rule 5A)

From :

[State Name and Address of the applicant(s)]

To: The District Land and Land Reform Officer/
Sub-divisional Land & Land Reforms Officer
Block Land and Land Reforms Officer .

Sub: Application for permission for change of character, conversion or alteration in the mode of use of land.

Sir,

I/We have the honour to apply for permission for change of character, conversion or alteration in the mode of use of land/land having water body for the purpose of.....

2. The particulars of the land/land having water body with respect to which such permission is required are furnished below :-

- (1) Name of the District. :
- (2) Name of the Block :
- (3) Name of the Police station :
- (4) Name of the mouza :
- (5) Jurisdiction List No. :
- (6) Khatian No.(R.S & L.R) :
- (7) Plot No. (R.S & L.R) :
- (8) Area of the Plot (R.S & L.R) :
[if part plot, specify the area and portion]
- (9) Existing Classification of the Plot :

3. The following documents, in duplicate, are enclosed with this application :-

- (1) Copy of mutation certificate or copy of current record-of-rights.
- (2) Copy of current rent receipt.
- (3) Sketch map showing the plot in question with side measurement and its surroundings including approach road (may not be to the scale).
- (4) Affidavit for creation of compensatory water body.
(Applicable in cases where the application relates to change or conversion of the land having water body of any description or size).
- (5) Copy of no objection certificate of the West Bengal Pollution control Board.
(Applicable only in such cases wherever such certificate is required)
- (6) Copy of the Detailed Project Report (DPR) duly vetted by the Competent Authority.
(Applicable only in cases where the application relates to change, conversion or alteration of land for industrial, commercial or housing complex).

4. I/we also declare and undertake-

- (1) That the land, in question shall be used strictly for purpose for which such permission shall be granted;
- (2) That there is no bargadar, in the land, in question;
- (3) That no work shall be done on the land, in question that may lead to conversion of the same unless permission as sought for is granted;
- (4) That necessary approval or permission or license shall be obtained from the appropriate authority as required for execution of the work on the land, in question as soon as permission for conversion as sought for is granted;

5. I/we further declare-

- (1) That the land, in question is under peaceful possession of myself/ourselves and it is free from all encumbrances;
- (2) That the land, in question is not involved in any proceeding for vesting under the provision of any law;
- (3) That the land, in question is not involved in any court case which prohibits such conversion, change or alteration in the mode of use of the land.

6. I/we also declare and undertake that in case it is proved at any point of time that the documents furnished and the statements made hereinabove are not true and correct, I/We am/are liable for any legal action which will be taken by the competent authority in this regard including cancellation of order granting change of character, conversion or alteration in the mode of use of land as sought for.

Enco : As stated above :

Yours faithfully

(full signature of the applicant(s)
with seal, if any.)

Place:

Date:

FORM 1B

AFFIDAVIT

[See sub-rule (2) of rule 5A]

I/We do hereby solemnly affirm and declare as follows:-

- (1) That I/we undertake to create compensatory water body of equal or larger size of the water body which is sought to be changed, converted or altered.
- (2) That I/we undertake to create such compensatory water body on the land details of which are furnished below :-
 - (a) Name of the District. :
 - (b) Name of the Police station :
 - (c) Name of the mouza :
 - (d) Jurisdiction List No. :
 - (e) Khatian No.(R.S & L.R) :
 - (f) Plot No. (R.S & L.R) :
 - (g) Area of the Plot (R.S & L.R) :
[if part plot, specify the area and portion]
 - (h) Existing Classification of the Plot :
- (3) That I/we undertake to create compensatory water body on the land, in question within a period of 90 days from the date of issue of the order granting change, conversion or alteration of the water body as sought for :
- (4) That I/we undertake to maintain the water body as so created in proper and appropriate manner.
- (5) That I/we undertake to submit before the District Land and Land Reform Officer the documents showing creation of compensatory water body within a period of 15 days after expiry of the stipulated period of 90 days for creation of such compensatory water body.
- (6) That I/we undertake that in case of failure to create such compensatory water body within the stipulated period of 90 days I/we shall not raise any objection for cancellation of the order granting change, conversion or alteration of the water body as sought for.
- (7) I/we also undertake to restore the said water body at my/our own cost if already changed, converted or altered within the period of 90 days from the date of issue of direction by the District Land and Land Reform Officer for such restoration.
- (8) I/we further undertake to pay restoration cost as and when the same may be asked for to pay by the District Land and Land Reforms Officer.

Date :

(Full signature of the applicant(s)
with seal, if any)

Identified by me.
(Advocate)

By Order of the Governor,
Dr. P.K. Agrawal



<http://wbllroa.in>

**Government of West Bengal
Law Department
Legislative.**

NOTIFICATION

No.1414-L-5th October,2010-The following Act of West Bengal Legislature, having been assented to by the Governor is hereby published for general information :-

West Bengal Act XXVIII of 2010
THE WEST BENGAL LAND REFORMS
(AMENDMENT) ACT, 2010.

[Passed by the West Bengal Legislature.]
[Assent of the Governor was first published in the Kolkata Gazette,
Extraordinary, of the 5th October ,2010.]

An Act to amend the West Bengal Land Reforms Act, 1955.

Whereas it is expedient to amend the West Bengal Land Reforms Act, 1955, for the purposes and in the manner hereinafter appearing;

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

Short title and
commencement.

1. (1) This Act may be called the West Bengal Land Reforms (Amendment) Act, 2010.

(2) Save as otherwise provide in this Act, it shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

* * *

Amendment of section
4C

3. After sub-section (5) of section 4C of the principal Act, the following sub-section shall be deemed to have been inserted with effect from the 7th day of August, 1969.-

“(6) Notwithstanding anything contained in the foregoing provisions of this section, where any plot of land not exceeding 0.03 acre situated in the areas falling within the local limits of any Municipal Corporation or Municipality, or any, plot of land not exceeding 0.08 acre situated in the area not falling within the local limits of any Municipal Corporation or Municipality, other than any plot of land having water body of any description or size, has been changed, converted or altered in the area, character or mode of use of such plot of land in violation of the provision of sub-section(2) of section 4C and if the State Government, on the basis of any report of Collector, is of the opinion that it is necessary to do so in the public interest, the State Government may, by order, authorize the Collector to regularize such change, conversion or alteration in the area, character or mode of use of the said plot of land, other than any plot of land having water body of any description or size, on payment of such fee depending on the different character or mode of use of the plot of land, and in any such manner, as may be prescribed.”

Validation

9. The amendments made in the principal Act by section 2, section 3 and section 6 shall be deemed to have been made with effect from the 7th day of August, 1969 and accordingly anything done or any action taken or purported to have been taken or done under the principal Act on or after the said date and before the commencement of this Act, shall, notwithstanding anything contrary contained in any judgement, decree or order of any court, tribunal or other authority, be deemed to be, and to have always been, for all purposes, as validly and effectively taken or done as if the said amendment had been in force at all material time.

By order of the Governor,
K.Y.S. Manhas
Pr. Secy in-charge to the Govt. of West Bengal
Law Department.

— ● —
The Kolkata Gazette
Extraordinary
Published by Authority

KARTIKA 6] THURSDAY, OCTOBER 28, 2010 SAKA 1932

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

NOTIFICATION

No. 5779-LR/1A-01/10 GE(M)

Kolkata, the 28th October, 2010

In exercise of the power conferred by sub-section (2) of section 1 of the West Bengal Land Reforms (Amendment) Act, 2010 (West Ben. Act XXVIII of 2010) (hereinafter referred to as the said Act), the Governor is pleased hereby to appoint the 1st day of November, 2010 as the date with effect from which the said Act shall come into force.

By order of the Governor,

R. D. Meena
Pr. Secy to the Govt. of West Bengal

— ● —
The Kolkata Gazette
Extraordinary
Published by Authority

PAUSA 9] THURSDAY, DECEMBER 30, 2010 SAKA 1932

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

ORDER

No. 6991-LR/1A-01/10 GE(M)- The 28th December, 2010.- WHEREAS it has been made to appear to the Governor that there are considerable number of cases where a plot of land not exceeding 0.03 acre situated in the area falling within the local limits of any Municipal Corporation or Municipality, or a plot of land not exceeding 0.08 acre situated in the area not falling within the local limits of any Municipal Corporation or Municipality, other than any plot of land having water body of any description or size (hereinafter referred to as the said plot of land), has been changed, converted or

altered in the violation of the provision of sub-section(2) of section 4C of West Bengal Land Reforms Act,1955(West Ben Act X of 1956)(hereinafter referred to as the said Act);

AND WHEREAS it has been further made to appear to the Governor that it is necessary, on the basis of the report of the Collector, to regularize such change, conversion or alteration of the said plot of land , in the public interest, notwithstanding anything to the contrary contained in Sub-section (5) of section of 4C of the said Act;

NOW, THEREFORE, in exercise of the power conferred by sub-section (6) of section 4C of the said Act, the Governor is pleased hereby to authorize, with immediate effect, the Collector to regularize such change, conversion or alteration of the said plot of land irrespective of the fact that the said plot of land has been changed, converted or altered in violation of the provision sub-section(2) of section 4C of the said Act.

By order of the Governor,

R. D. Meena
Pr. Secy to the Govt. of West Bengal.

— • —
The Kolkata Gazette
Extraordinary
Published by Authority

PAUSA 9]

THURSDAY, DECEMBER 30, 2010

SAKA 1932

Government of West Bengal
Land & Land Reforms Department
Land Reforms Branch
Writers' Buildings, Kolkata-700001

NOTIFICATION

No. 6992-LR dt. the 28th December, 2010.- In exercise of the power conferred by clause (4) of section 2, read with sub-section (6) of section 4C, of the West Bengal Land Reforms Act,1955(West Ben. Act X of 1956) (hereinafter referred to as the said Act), the Governor is pleased hereby to appoint, with immediate effect, the Block Land and Land Reforms Officer to discharge the function of a Collector within his jurisdiction to regularize change of character, conversion or alteration in the mode of use of any plot of land not exceeding 0.03 acre situated in the area falling within the local limits of any Municipal Corporation or Municipality, or any plot of land not exceeding 0.08 acre situated in the area not falling within the local limits of any Municipal Corporation or Municipality, other than any plot of land having water body of any description or size, which has been made in the violation of the provision of sub-section(2) of section 4C of the said Act.

By order of the Governor,

R. D. Meena
Pr. Secy to the Govt. of West Bengal.

— • —
The Calcutta Gazette
Extraordinary
Published by Authority

PHALGUNA 10]

TUESDAY, MARCH 1, 2011

SAKA 1932

Government of West Bengal
Land & Land Reforms Department
Land Reforms Branch
Writers' Buildings, Kolkata-700001

NOTIFICATION

No. 1332-LR/1A-01/10 GE(M), the 1st day of March, 2011.- WHEREAS the draft amendments was published as required by sub-section (1) of section 60 of the West Bengal Land Reforms Act,1955

(West Ben. Act X of 1956) (hereinafter referred to as the said Act) vide notification No.6993-LR dated the 28th day of December, 2010, in the Kolkata Gazette, Extraordinary, dated the 30th day of December, 2010, inviting objections and suggestions from all persons likely to be affected thereby, within thirty days from the date of its publication;

AND WHEREAS no objections or suggestions have been received by the State Government till date;

NOW, THEREFORE, in exercise of the power conferred by section 60 of the said Act, the Governor is pleased hereby to make, with immediate effect, 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,-

1. in sub-rule (6) of rule 5A, for the words "the Revenue Officer attached to his office", substitute the words "the Revenue Officer or Revenue Inspector posted under him and within his jurisdiction";
2. after rule 5A, insert the following rule:-

"5AA, Manner of regularization of change of character, conversion or alteration in mode of use of any plot of land held by raiyat and payment of fees for such regularization.- (1) any raiyat holding any plot of land not exceeding 0.03 acre situated in the area falling within the local limits of any Municipal Corporation or Municipality, or any plot of land not exceeding 0.08 acre situated in the area not falling within the local limits of any Municipal Corporation or Municipality, other than any plot of land having water body of any description or size, which has been changed, converted or altered in violation of the provisions of sub-section (2) of section 4C, shall make an application to the Block Land & Land Reforms Officer empowering, in writing, to discharge the function of the Collector for regularization of such change, conversion or alteration under sub-section (6) of section 4C, in Form 1C and shall be accompanied by such documents as mentioned in the said Form 1C.

(2) After receiving the application as mentioned in sub-rule (1), the Block Land and Land Reforms Officer may himself conduct necessary inquiry or may cause it to be done by the Revenue Officer or Revenue Inspector posted under him and within his jurisdiction to ascertain if the applicant is bonafide holder of the plot of land as already changed, converted or altered and all the persons having interest in such land have joined in the application, and as well as in all cases, to ascertain the followings:-

- (a) if the change of character, conversion or alteration in the mode of use of the plot of land has caused inconvenience to the residents of the surrounding areas;
- (b) if the change of character, conversion or alteration in the mode of use of the plot of land has interfered with the normal agricultural activities in the surrounding areas;
- (c) if the change of character, conversion or alteration in the mode of use of the plot of land has in any way hampered the public easement recorded in respect of such land;
- (d) if there is any bargadar in respect of such plot of land;
- (e) if such permission is in any way prejudice the application of the provision of sub-section (3) of section 6 of the West Bengal Estates Acquisition Act, 1953 (West Ben. Act I of 1954) or the provisions of the Urban Land (Ceiling and Regulation) Act, 1976 (33 of 1976), or the provisions of West Bengal Town and Country (Planning and Development) Act, 1979 (West Ben. Act XIII of 1979) or the provisions of the East Kolkata Wetland (Conservation and Management) Act, 2006 (West Ben. Act VII of 2006), if applicable.

(3) No field enquiry shall be conducted without giving at least seven days' notice to the applicant specifying the date and time of such enquiry.

(4) As soon as necessary inquiry is completed, notice shall be issued to the applicant concerned and bargadar, if any and all other persons interested in such plot of land or affected in any way for giving them an opportunity of being heard specifying the date and time when such hearing shall be taken, and the date so fixed shall not be extended except in the deserving cases duly recorded the reasons thereof in the relevant order sheet of the case record. If there is any bargadar on the plot of land, no permission to regularise the change of character, conversion or alteration in the mode of use

of the plot of land may be granted save and except the cases where such permission as sought for relates to such purposes as stated in the proviso to sub-section (5) of section 20B of the Act and written confirmation from the bargadar is submitted by the applicant concerned to the effect that he has been properly compensated in accordance with the said proviso to sub-section (5) of section 20B of the Act.

(5) The Block Land and Land Reforms Officer shall, after considering the facts and circumstances of the case and after giving the applicant and other concerned persons including bargadar, if any, an opportunity of being heard, by order in writing, either reject the application or direct regularisation of such change, conversion or alteration as sought for on the following terms and conditions and such other terms and conditions as he may think necessary :-

- (a) that the order directing regularisation of such change, conversion or alteration is without prejudice to any of the provisions of chapter-IIB of the said Act;
 - (b) that the order directing regularisation of such change, conversion or alteration is without prejudice to the provisions of sub-section (3) of section 6 of the West Bengal Estates Acquisition Act, 1953 (West Ben. Act I of 1954).
 - (c) that where the plot land is situated within any urban agglomeration within the meaning of the Urban Land (Ceiling and Regulation) Act, 1976 (33 of 1976), the order directing regularisation of such change, conversion or alteration is without prejudice to the provisions of the said Act;
 - (d) that where the plot of land is situated within the jurisdiction of a Development Authority constituted under the West Bengal Town and Country (Planning and Development) Act, 1979 (West Ben. Act XIII of 1979), the order directing regularisation of such change, conversion or alteration is without prejudice to the provisions of the said Act;
 - (e) that where the plot of land is situated within the areas of East Kolkata Wetlands as defined in the East Kolkata Wetland (Conservation and Management) Act, 2006 (West Ben. Act VII of 2006), the order directing regularisation of such change, conversion or alteration is without prejudice to the provisions of the said Act;
 - (f) that where the object of change or conversion or alteration is to use the plot of land for a purpose for which approval or permission or license from an appropriate authority is necessary, the order directing regularisation of such change, conversion or alteration is subject to obtaining such approval or permission or licence from such authority as soon as the order directing regularisation of such change or conversion or alteration as sought for is made;
- (6) The fees payable for regularization of such change of character, conversion or alteration in the mode of use of the plot of land as applied for shall be an amount equivalent to 25 times of the rate of land revenue payable in respect of the plot of land as already changed, converted or altered and such fees shall be payable within 15 days from the date of issue of order for regularization of such change of character, conversion or alteration in the mode of use of plot of land failing which the order so issued shall stand automatically cancelled.
- (7) Every application for regularization of such change of character, conversion or alteration in the mode of use of any plot of land shall be disposed of by written order either rejecting such application or directing regularization of such change of character, conversion or alteration, within a period of not exceeding 90 days from the date of receiving of such application and in case of disposal of an application cannot be made within the said period of 90 days, reasons thereof shall be recorded in the relevant order sheet of the case record.
- (8) In respect of every order directing regularization of change of character, conversion or alteration in the mode of use of any plot of land it has to be specified that such regularization shall take effect from the date of issue of such order.”

3. after rule 14 A, insert the following rule:-

“14B Manner of restoration under sub-section(2) of section 14E- The Revenue Officer shall restore the plot of land or part thereof which has been transferred by a raiyat belonging to a Schedule Tribe of an equivalent quantum of plot of land or part thereof of the same character within the near vicinity of the transferred plot of land or part thereof after conducting such inquiry as he may think necessary and after giving the interested persons an opportunity of being heard. In case of restoration of an equivalent quantum of plot of land or part thereof of the transferred plot of land or part thereof, the Revenue Officer shall ascertain whether the transferor or his successor-in-interest willingly accept

such plot of land or part thereof for the purpose of such restoration and also ascertain whether such plot of land or part thereof so to be restored has been transferred by a registered instrument in favour of the said transferor or his successor-in interest, by the transferee.”

4. After Form 1B, insert the following form :-

FORM 1C

(see sub-rule(1)of rule 5AA)

[Application for regularisation of change of character, conversion or alteration in the mode of use of the plot of land]

From :

.....

[State name and address of the applicant(s)]

To: The Block Land and Land Reforms Officer

.....

Sub : Application for regularization of change of character, conversion or alteration in the mode of use of a plot of land made in violation of the provision of sub-section (2) of section 4C of the West Bengal Land Reforms, Act, 1955.

Sir,

I/We have the honour to apply for regularization of change of character, conversion or alteration in the mode of use of the plot of land for the purpose of

2. The particulars of the plot of land with respect to which such regularisation is required are furnished below :-

- (1) Name of the District.
- (2) Name of the Block
- (3) Name of the Police station
- (4) Name of the mouza
- (5) Jurisdiction List No.
- (6) Khatian No.(R.S & L.R)
- (7) Plot No. (R.S & L.R)
- (8) Area of the Plot (R.S & L.R)
[if part plot, specify the area and portion]
- (9) Existing Classification of the Plot

3. The following documents, in duplicate, are enclosed with this application:-

- (1) Copy of mutation certificate or copy of current record-of-rights.
- (2) Copy of current rent receipt.
- (3) Sketch map showing the plot in question with side measurement and its surroundings including approach road (may not be to the scale).

4. I/we also declare and undertake-

- (1) That the plot of land, in question shall be used strictly for purpose for which permission for such regularisation shall be granted;
- (2) That there is no bargadar, in the plot of land, in question;
- (3) That the fees payable for such regularization shall be deposited within 15 days from the date of order for such regularisation;
- (4) That no work shall be done on the plot of land, in question that may lead to further conversion of the same unless permission as sought for is granted;
- (5) That necessary approval or permission or licence shall be obtained from the appropriate authority as required for execution of the work on the plot of land, in question as soon as permission for such regularisation as sought for is granted;
- (6) That there is no other plot of land except the plot of land which has been changed, converted or altered in violation of the provision of sub-section(2) of section 4C of the Act.

5. I/we further declare-

- (1) That the plot of land in question is under peaceful possession of myself/ourselves and it is free from all encumbrances;
- (2) That the plot of land, in question is not involved in any proceeding for vesting under the provisions of any law;
- (3) That the plot of land in question is not involved in any court case which prohibits regularisation of such change of character, conversion or alteration in the mode of use of the land.

6. I/we also declare and undertake that in case it is proved at any point of time that the documents furnished and the statements made hereinabove are not true and correct, I/we am/are liable for any legal action which will be taken by the competent authority in this regard including cancellation of order granting regularisation of such change of character, conversion or alteration in the mode of use of plot of land as sought for.

Encl: as stated above :

Yours faithfully

(full signature of the applicant(s)
with seal, if any.)

Place:

Date:

By order of the Governor,
R.D. Meena
Pr. Secy to the Govt. of West Bengal.

●

Govt. of West Bengal
Department of Environment,
East Kolkata Wetlands Management Authority
Writers' Buildings, Kolkata-700001

Shri Arijit Banerjee, IFS
Chief Technical Officer, EKWMA
No. CTO/EN/2131(186)/11

Date : 09/12/2011

ORDER

In the 17th meeting of the East Kolkata Wetlands Management Authority (EKWMA) held on 25th September, 2011, it has been resolved that :

- 1) No new No Objection Certificate (NOC) for conversion of land shall be granted by the Authority.
- 2) All NOCs granted so far shall be revoked.

In pursuance of this resolution it is hereby ordered that all NOCs issued by this Authority from 31/12/2010 onwards stand cancelled. Construction work if already started based on a granted NOC should be stopped immediately and if no work has progressed then it should not commence until further orders are passed by the Authority. Moreover no new NOC shall be issued and moreover applications for NOC shall not be entertained. Violation of this order may lead to prosecution under the East Kolkata Wetlands (Conservation and Management) Act, 2006.

Shri Arijit Banerjee
CTO, EKWMA

No. CTO/EN/2131(186)/11

Copy forwarded for information and necessary action :

- (1) The P.S to Chief Secretary (Chairman, EKWMA), Govt. of West Bengal
- (2) The P.S to Principal Secretary (Member Secretary, EKWMA), Environment Department.
- (3) The P.S to Principal Secretary, Urban Development Department.
- (4) The P.S to Principal Secretary, Land & Land Reforms Department
- (5) The P.S to Principal Secretary, Panchayat and Rural Development Department.

- (6) The P.S to Principal Secretary, Forest Department.
- (7) The P.S to Principal Secretary, Municipal Affairs Department.
- (8) The P.S to Principal Secretary, Fisheries Department.
- (9) The P.S to Principal Secretary, Irrigation and Waterways Department.
- (10) The Commissioner, Kolkata Police.
- (11) The Chief Executive Officer, Kolkata Metropolitan Development.
- (12) The Commissioner, Kolkata Municipal Corporation.
- (13) The Chairman, West Bengal Pollution Control Board.
- (14) The Member Secretary, West Bengal Pollution Control Board.
- (15) The District Magistrate, 24-Parganas(N).
- (16) The District Magistrate, 24-Parganas(S).

●

The Kolkata Gazette
Extraordinary
Published by Authority

VAISAKHA 10]

MONSDAY, APRIL 30, 2012

SAKA 1934

Government of West Bengal
Law Department
Legislative
NOTIFICATION

No.572-L. - 30thApril, 2012. - The following Act of West Bengal Legislature, having been assented to by the Governor is hereby published for general information :-

West Bengal Act VI of 2012
THE WEST BENGAL LAND REFORMS
(Amendment) ACT, 2012.

[Passed by the West Bengal Legislature.]
[Assent of the Governor was first published in the Kolkata Gazette,
Extraordinary, of the 30th April ,2012.]

An Act to amend the West Bengal Land Reforms Act, 1955.

Whereas it is expedient to amend the West Bengal Land Reforms Act, 1955, for the purposes and in the manner hereinafter appearing;

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

Short title and commencement.

1. (1) This Act may be called the West Bengal Land Reforms (Amendment) Act, 2012.

(2) It shall come into force on such date as the State Government may, by notification in the Official Gazette, specify.

* * *

section 4C Amendment of

3. In section 4C of the principal Act,

(1) in sub-section (6), for the words “on payment of such fee depending on the different character or mode of use of the plot of land,” the words “on payment of such fee depending on the different character or mode of use or size of the plot of land” shall be substituted;

(2) to sub-section (6), the following provisos shall be added:-

“Provided that the provision of this sub-section shall not apply to any application for regularization of any plot of land where such plot of land is changed, converted or altered in the area, character or mode of use of such plot of land in violation of the provision of sub-section

(2) of section 4C made after such time as may be prescribed:

Provided further that the provision of this sub-section shall not apply to any case where prosecution has been initiated under section 4D”.

By order of the Governor,

B. K. Srivastava
Secy in-charge to the Govt. of West Bengal.
Law Department

————— ● —————
Government of West Bengal
Industrial Reconstruction Department
Writers’ Buildings, Kolkata-700001

No. 521(3)-IR/O/5L-30/2006(Pt)

Dated , the 16th April, 2013

From : Sri Malay Kumar De , IAS
Principal Secretary to the Government of West Bengal

To : LRC and Principal Secretary to the Government of West Bengal
Land and Land Reforms Department

Principal Secretary to the Government of West Bengal
Urban Development Department

Secretary to the Government of West Bengal
Municipal Affairs Department

Sub : Decision of the State Government for non-allowing any industrial company for change of its existing ‘industrial’ character for any prospective change to ‘residential/commercial’.

Sir,

You are fully aware that State Government has decided that no industrial land would be allowed to change in its prospective character for ‘residential/commercial’ use but it could be transferred strictly for ‘industrial’ use only upon permission of the State Government, if so required.

You are also aware that a significant amendment in the relevant section of 14Z of WBLR Act 1955 has been appropriately made in June 2012 in consistent with this policy of the Government to stop prospective use of industrial land as residential/ commercial.

I would therefore request your good offices to issue appropriate direction to all authorities under the control of your department to check and restrain any efforts being initiated by the owner of any industrial land for prospective change of its character towards residential/commercial use without any valid permission of the State Government.

Yours faithfully,

M.K. Dey
Principal Secretary

No.521/1(22)-IR/O/5L-30/2006(Pt)

Dated, the 16th April, 2013

Copy forwarded to the District Magistrate for information and action as deem necessary.

Government of West Bengal
Land and Land Reforms Department
LR-A1/IS Branch
Nabanna, Howrah

No. 1222-1S/39/14

dated : 02.05.2014

From : The Assistant Secretary to the Government of West Bengal.

To : The D.L.R.&S. and Jt. L.R.C.,W.B.,
35,Gopalnagar Road, P.O. Alipore,
Kolkata-700027.

Sub : Clarification regarding the power of D.L.&L.R.O. to act as Appellate Authority u/s 54 of W.B.L.R. Act, 1955 in connection with the order passed u/s 4C of the said Act.

In inviting reference to his Memo. No. 14/2231/C/10 dated 12/21.03.2014 on the subject cited above the undersigned is directed to inform him that the D.L.& L.R.O. concerned can listen the appeal filed u/s 54 of the W.B.L.R. Act, 1955 in connection with the order passed u/s 4C of the said Act.

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

●
Government of West Bengal
Office of the District Magistrate, South 24-Parganas
District Planning Department
New Administrative Building, 4th Floor
Alipore, Kolkata- 700027.

Memo. No.7992/18032/2/2012-DPLO

Dated, : 22.05.2013

To

- (1) The Additional District Magistrate (Land Reforms), South 24-Parganas
- (2) The Additional Executive Officer, South 24-Parganas Zilla Parishad

Sub : Construction of Building on the Land of Closed or Sick Industries.

Ref : No. 97/MA/O/C-4/3R-4/2013 dated 1st March, 2013

Sir,

Please find the enclosed letter from the Joint Secretary, Department of Municipal Affairs, Government of West Bengal vide the above mentioned reference, which will speak for itself. Following the letter, I am directed to request you to take necessary action as appropriate for compliance of sub-rule 95 of rule 3 of the West Bengal Municipal (Building) Rules, 2007 and also for compliance of the said provisions before sanction of building plans in cases of construction of any building, other than an industrial building, on any piece of land where a closed, sick or any other industry was located or is in operation.

Yours faithfully,
Sd/-Illegible
Additional District Magistrate (Development),
South 24-Parganas

Encl : As stated.

Memo. No.7992/1(1)/D-18032/2/2012-DPLO

Dated: 22.05.2013

Copy forwarded for kind information to:

1. PA to the District Magistrate, South 24-Parganas.

Sd/- Illegible
Additional District Magistrate (Development),
South 24-Parganas

Copy forwarded for information and with request to act accordingly to:-

1. The S.D.L. & L.R.O. , Sadar, Alipore/ Baruipur/ Canning/ Kakdwip/ Diamond Harbour, South 24-Parganas.
2. The B.L. & L.R.O. _____, South 24-Parganas

Sd/- Illegible
District Land & land Reforms Officer
South 24-Parganas, Alipore.

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

No. 97/MA/O/C-4/3R-4/2013

dated, Kolkata, the 1st day of March 2013

From : The Joint Secretary to the Government of West Bengal.

To :

1. The Chairpersons,
_____, Municipality/Notified Area Authority/NDITA
P.O. _____, Dist. _____,
2. The Commissioner, _____ Municipal Corporation , P.O. _____,
Dist. _____

Sub : Issues related to construction of building on the lands of closed or sick industries. .

Sir/Madam,

In consideration of the issues related to of construction of buildings, other than an industrial building on any piece of land where a closed, sick or other industry was located or is in operation, I am directed to draw your attention to the provisions of sub-rule (95) of rule 3 of the West Bengal Municipal (Building) Rules, 2007 which is as follows :-

“no piece of land where a closed, sick or other industry was located or is in operation, shall be used as a site for construction of any building, other than an industrial building, without prior approval of the competent authority appointed under clause (d) of section 2 of the Urban Land (Ceiling and Regulation) Act, 1976 (33 of 1976).”

I am further directed to request you kindly to ensure compliance of the said provisions before sanction of building plans in cases of construction of any building, other than an industrial building on any piece of land where a closed, sick or other industry was located or is in operation.

Yours faithfully,

B.N. Das
Joint Secretary

No. 97/1(25)/MA/O/3R-4/2013

Dated, Kolkata, the 1st March, 2013

Copy forwarded for information to the –

1. Director of Local Bodies, West Bengal, Purta Bhaban, Salt Lake, Kolkata-700091.
2. District Magistrate, _____, P.O. _____, Dist. _____
3. P.S. to the MIC, MA & UD Department
4. Pr. S. to the Principal Secretary, Municipal Affairs Department

B.N. Das
Joint Secretary

Government of West Bengal
Office of the Director of Land Records & Surveys and
Joint Land Reforms Commissioner, West Bengal.
35, Gopalnagar Road, Alipore, Kolkata-700027

Memo No. 15/4916(18)/C/13

Dated, Alipore, the 24th sept,2014

To
The District Land & Land Reforms Officer,

Sub: Instruction solicited by DL&LRO, Burdwan regarding regularization of already converted plots of land as detailed in Order No. 6991-LR/1A-01/10 GE(M) dated 28/12/2010 and Not No. 1332-LR/1A-01/10GE(M) dated 01/03/2011 of L & LR department.

Ref: Burdwan office memo no. 50Misc/14/Conv/664/LM/2014, dated 20/8/2014

With reference to the memo no. quoted under reference this is inform that sec. 4C of WBLR Act came into force from 24.3.1986 and the sec 4C(6) was enforced from 01.11.2010. The conversion of land of 03 dec. in Municipal area and 08 dec in rural area which took place without permission as required u/s 4C of WBLR Act between the period 24.3.1986 to 01.11.2010 will come under the purview of the process of post-facto regularization. The conversion of land done after 01.11.2010 will never be covered u/s 4C(6) of WBLR Act.

All are requested to kindly instruct the BL&LRO under control to follow the interpretation.

S. Dutta
Director of Land Records & Surveys and
Joint Land Reforms Commissioner, West Bengal.

————— ● —————
Government of West Bengal
Land and Land Reforms Department
Land Policy Branch
Nabanna, (6th floor)

325 Sarat Chatterjee Road, P.O.- Shibpur, Howrah-711102

No. 324-LP/1A-12/13

Dated, 5th February ,2015

MEMORANDUM

Sub : Time-bound disposal of mutation & conversion for industrial purpose

1. Disposal of mutation :

- i) In order to expedite the process and disposal of mutation petition for setting up of industry, it is decided that disposal of mutation petitions where name of the vendor from whom the present petitioner purchased the land has already been recorded in the R-o-R(s) and it is in his possession, must be done within 21 days from the date of receipt of the petition.
- ii) Usual references be made to the ULC/LA etc. and if no reply is received within 14 days, then it will be presumed that the authority/department concerned has no objection in granting the mutation.
- iii) If the condition given in sub-para (i) above is not fulfilled it should be disposed of as quickly as possible not exceeding 60 days.

2. Disposal of conversion :

- (i) The process and disposal of conversion petition, if it is otherwise found in order, be done within 30 days from the date of receipt of the petition.
- (ii) However, the following steps should be taken for timely disposal of the said cases:
 - a) If NOC from local body is not received within 14 days it will be presumed that there is no objection of the said body similar to that of U.L.C clearance.
 - b) NOC from WBSEDCL/G.M .D.I.C/WBPCB/NHAI/PWD/Fire & Emergency Service is not mandatory.
 - c) E.M-I/I.E.M-1 Registration Certificate must be submitted by the petitioner.
 - d) An enquiry be done by the field level functionary and it be followed by a hearing of the petitioner concerned.

- e) The prevailing system of obtaining no objection from the adjacent plot-holders should be immediately discontinued. Instead, adjacent plot holders may be called for hearing.
 - f) The industrial units coming up in industrial estate/park which have already got land conversion are no longer required to apply for land conversion separately. Necessary changes be effected in the R.O.R.s in due course.
3. This order regarding time-period of 21 days for disposal of mutation petitions and 30 days for conversion petitions will be applicable to all industry petitions in the entire State.
4. However, the order/memorandum relating to conversion of water body will remain in force.
- This order issues in supersession of all earlier orders/memorandums in this regard with immediate effect.

A.K. Singh
O.S.D & Ex-Offico ACS & LRC
Govt. of West Bengal
Land & Land Reforms Department

●

**Government of West Bengal
Land and Land Reforms Department
Land Policy Branch
Nabanna,(6th floor)
325 Sarat Chatterjee Road, P.O. Shibpur, Howrah-711102**

No. 325-LP/1A-12/13

Dated, 5th February ,2015

MEMORANDUM

Sub : Disposal of mutation & conversion for non-industrial purpose

1. Disposal of mutation:

- i) In order to expedite the process and disposal of mutation petition, it is decided that disposal of mutation petitions where name of the vendor from whom the present petitioner purchased the land has already been recorded in the R-o-R(s) and it is in his possession, must be done within 45 days from the date of receipt of the petition.
- ii) Usual references be made to the ULC/LA etc. and if no reply is received within 30 days, then it will be presumed that the authority/department concerned has no objection in granting the mutation.
- iii) If the condition given in sub-para (i) above is not fulfilled it should be disposed of as quickly as possible not exceeding 60 days.

2. Disposal of conversion:

- i) The process and disposal of conversion petition, if it is otherwise found in order, be done within 60 days from the date of receipt of the petition.
- ii) the following steps should be taken for timely disposal of the said cases:
 - a) If NOC from local body is not received within 30 days, it will be presumed that there is no objection of the said body similar to that of U.L.C clearance.
 - b) NOC from WBSEDCL/G.M .D.I.C/WBPCB/NHAI/PWD/Fire & Emergency Services is not mandatory.
 - c) An enquiry be done by the field level functionary and it be followed by a hearing of the petitioner concerned.
 - d) The prevailing system of obtaining no objection from the adjacent plot-holders should be immediately discontinued. Instead, adjacent plot holders may be called for hearing.
 - e) For individual non-commercial/non-industrial conversion, no DPR should be asked for.

- f) However, the order/memorandum relating to conversion of water body will remain in force.

This order issues in supersession of all earlier orders/memorandums in this regard with immediate effect.

A.K. Singh
O.S.D & Ex-Offico ACS & LRC
Government of West Bengal
Land & Land Reforms Department

————— ● —————
Government of West Bengal
Office of the Director of Land Records and Surveys
and Joint Land Reforms Commissioner, West Bengal
35, Gopal Nagar Road, Alipore, Kolkata – 700027

Memo. No.14/1095/C/14(B/S)

Dated, Alipore the 10th March ,2015

To
The District Land and Land Reforms Officer,
Hooghly.

Sub : Conversion of land classified as water body (Pukur/Doba etc.)

Ref : His Office memo no.IX-2/18(Comm)/6551/S/2014, dated 23.12.2014

With reference and subject above this is to inform him that part conversion of pukur should not be allowed as it will have deleterious effect on the remaining part.

A. Sanyamath
Additional Director of Land Records and Surveys,
West Bengal

<http://wbllroa.in>