

12. RECORDING OF R.R. & R. DEPTT. LAND

GOVERNMENT OF WEST BENGAL
Office of the Settlement Officer
Haora-Hugli-Nadia at Hugli

Memo No. 100 (L.R.)/8324/S/80,

Dated, Hugli, the 16.7.81

To
The Director of Land Records and Surveys, West Bengal
35, Gopalnagar Road, Alipur, Calcutta -27.

Subject : Disposal of objection.

Relief and Rehabilitation Department of Govt. of West Bengal transferred some lands to some persons through registered indentures with some limited interest and they filed objections U/S. 51A(1) for mutation.

The transferee perhaps be recorded as "**Bengali**" tenant under the B-II Khatian of the department without recording any revenue or rent in col. 6 of the Khatian.

In absence of any specific entry about this in the Directorate G.I. the suggestion made in above paragraph may kindly be approved.

Instruction to camps have already been given to record accordingly in anticipation of the approval of the Directorate.

D.C. Sarkar
Settlement Officer
Haora-Hugli-Nadia at Hugli.

GOVERNMENT OF WEST BENGAL
Office of the Settlement Officer
Haora-Hugli-Nadia at Hugli.

Memorandum No. 10(L.R.)/9469/S/'80,

Dated Hugli, the 03.08.1981.

To
The Director of Land Records and Surveys,
West Bengal.

Sub : Disposal of objection.

Ref : Dte. Memorandum No.92/6201/C/'81, dt. 24.07.'81

The limited interest as mentioned in indenture is noted below.

"The land was presented to the persons subject to the condition that the donee shall have no right save as hereinafter provided to alienate or transfer in any way the land comprised in the schedule within a period of ten years from the date of these presents without obtaining prior written permission of the Donor which shall not be obligatory on the part of the Donor but may be granted only in exceptional circumstances of hardship provided that Donee shall be at liberty to mortgage the said properties with any co-operative society and/or Bank within the period of ten years for the purpose of a residential building and for the purpose of better economic and physical improvement."

Sd/- Illegible
For Settlement Officer
Haora/Hugli - Nadia
At Hugli.

Government of West Bengal
Directorate of Land Records and Surveys, West Bengal.

Memorandum No.92/7203/C/'81

dated, Alipore, the 4th/7th September, 1981.

To
The Settlement Officer,
Howrah-Hooghly-Nadia.

Sub : Recording of land transferred by the R. & R. Deptt. of the Govt. to displaced persons through conditional registered deed of gifts.

Ref : His Memo No.10-LR/9469/S/80, dated 03/08/1981.

From the memo, under reference it appears that the transaction by the Govt. is one of gift. A condition has been imposed but that does not preclude the donee from ownership rights. Conditions about non-transferability are also imposed while giving patta to landless persons u/s. 49 of the WBLR Act. But in these cases separate khatians are opened in favour of the patta-holders. In any case, the restrictions imposed in the deed of indenture appear to be valid only for 10 years and in bulk of the cases 10 years must have passed since the execution of the instruments.

Therefore, separate khatians should be opened in favour of the donees. If 10 years have not elapsed since the registration of the deed, there may be an additional entry in column No.21 of the new khatian to the effect :-

-----"Bengali"----- . The date under reference would be the date when 10 years would be completed from the date of registration.

The status of the new khatian-holders shall be raiyat or Akrishipraja, as the case may be.

Asok Gupta
Director of Land Records & Surveys,
West Bengal.

Memorandum No.92/7204-7210/C/'81, dated Alipore, the 04th/07th September, 1981.

Copy along with copies of Settlement Officer, Hooghly's Memo. Nos. 100-LR/8324/S/'80 dated 16.07.'81 and 10/LR/9469/S/'80, dated 03.08.'81 forwarded to Settlement Officer, for information and necessary action.

Asok Gupta
Director of Land Records and surveys,
West Bengal.

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Copy of Memo No. 58/3828/C/87 dated 2nd August 1989, from the Director of Land Records & Surveys, West Bengal to the District Land and Land Reforms Officer, Hugli.

Subject : Recording of lands occupie by the erstwhile Refugees of East Pakistan (Now Bangladesh)

With reference to the above this is to state that the Govt. on behalf of Refugee Relief and Rehabilitation Department executes a deed of donation in the form of an indenture, wherein the donee is restrained to transfer the donated land within 10(ten) years.

In the Settlement Department the Record-of-Rights are framed on the basis of actual state of affairs in the field. It is found that a person is occupying a piece of land

by purchase from the Donee and if the date of transfer falls within 10 years from the date of the Registered Deed of the Donee but without written permission from the Doner, recording of the Doner's name and also the illegal possessions may be made as follows.

In the front page in Column 13 of the Khatian, ----- "Bengali"-----

In the back page of the Khatian in column 16. -----"Bengali"-----

The second entry may be made in the column 16 of the Record-of Rights against the polt sold or transferred. The Xerox copy of the Deed as sent with his memo under reference is returned herewith receipt of which may kindly be acknowledged.

Encl: 3 sheets.

Memo no. 58/3829-45/C/87 dated, Alipore, the 2nd Aug. 1989.

Copy forwarded to:

- 1) The Distict Land & Land Reforms Officer, for information and necessary action.

A.K.Bhattacharjee
for Director of Land Records & Surveys
and Jt. Land Reforms Commissioner
West Bengal.

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Government of West Bengal
Land & Land Reforms Department
LR(A1)-1, IS Branch

No. 6512-IS
296/99

Dated : Calcutta, the 15th September, 1999

From : Shri P.Bandyopadhyay, IAS
Joint Secretary

To
Shri D.C. Sarkar IAS
DLRS and Joint L.R.C.
West Bengal Survey Building

Sub : Information regarding recording of free hold title deeds issued by refugee relief and rehabilitation department.

Sir,

Few days back the Standing Committee on relief, refugee relief & rehabilitation and forest, West Bengal Legislative Assembly had a meeting with the L&LR Dept. In the meeting the committee informed that a large number of FHTD holders had submitted petition to various block land and land reforms offices for recording their names in the settlement record-of-rights and for issue of parcha. But such petitions are not being disposed of for years. As a result, FHTD holders are not getting the porchas. Unless the prochas are issued they can not approach the financial institutions for loans etc. It was decided in the meeting that L&LR Dept. will conduct a study about the number of petitions submitted by free hold title holders, number disposed of and porchas issued, number of petitions still pending, the period for which they pend and reasons therefor. In this connection, one of the members of the Standing Committee mentioned of huge number of such pending cases in Uttarpara Block, Dist. Hooghly.

Accordingly, I am directed to request you to conduct a survey at least for 3-4 sample blocks in each of the districts where refugee settlers concentrate and where substantial number of FHTD have been issued. If necessary, the refugee relief and rehabilitation wing of the collectorate may also be contacted for information. The report of the study must reach the Dept. by 30th November, positively.

Yours faithfully,
P. Bandyopadhyay
Joint Secretary
Land and Land Reforms Deptt.

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Government of West Bengal
Office of the Director of Land Records and Surveys and
Joint Land Reforms Commoissioner, West Bengal.
35, Gopalnagar Road, Alipore, Calcutta – 700027.

Memo No. 50/3803-20/C/99,

Dated, Alipore, the 22nd Sep. 1999.

To
The District Land and Land Reforms Officer,

Subject : Information regarding recording of freehold title deeds issued by Refugee Relief and Rehabilitation Department.

A copy of Memon No. 6512-IS/296/99 dated 15/20.09.99 of the Joint Secretary, Land and Land Reforms Department on the above mentioned subject is enclosed which will speak for itself.

He is requested to kindly look into the matter and conduct a survey accordingly and submit a detailed Survey Report in the following proforma at his earliest convenience.

- 1) No. of petitions submitted by free hold title holders
- 2) No. of petitions disposed and parchas issued
- 3) No. of petitions still pending
- 4) Period of pendency
- 5) Reason for such pending.
- 6) Remarks.

As the report should reach the Department by 30th November, 99 positively this may be treated as extremely urgent.

R. Ganguli
for Director of Land Records and Surveys
and
Joint Land Reforms Commissioner,
West Bengal.

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Circular
Subject : Recording of Refugee Land.

The R.R.&R.Department in Govt. of West Bengal in order to rehabilitate the displaced Refugees from East Pakisthan upto 1971 had acquired land as well as obtained the same at various times by other means for their resettlement in various Government Sponsored squatter colonies in both urban and rural areas. Refugees were settled by the R.R.&R.Department by providing homestead land in the urban areas and agricultural land in addition to homestead land in the rural areas as the case may be. But many problems have cropped up in recording of such beneficiaries of R.R.&R.Department land as well as the subsequent transferees of such land in a number

of places in almost all the districts and as a result there appears to be a stalemate condition in the progress of updating the R.O.Rs. in respect of the refugees land.

To break this stalemate in the state of affairs the lease deed and particulars of the present occupants must be ascertained and examined carefully.

Generally three types of cases may arise :

- i) Land in urban area has been leased out to refugees for 99 years. In the lease deeds, the lessees have not been permitted to alienate the land in any manner, whatsoever or part with possession of the same without special permission of the Government.
- ii) A gift deed is registered by the SDRRO with special power by a process of conferment of right and title (CONRIT) in favour of a bonafide refugee and has a non transferable period of 10 years. After the lapse of 10 years the land can be transferred. In certain compassionate cases R.R.&R. Department may allow transfer before expiry of 10 years.
- iii) Land is also transferred to a refugee through a free-hold right and title deed (FHTD). The earlier lease deeds are now being converted into free hold title deed. Here also such deed bars any transfer within 10 years.
- iv) The R.R. & R. Department has also leased out its land to various Schools, Colleges, Clubs, Libraries, Hospitals, Markets, Fisheries, etc. from time-to-time to various individuals or agencies also on long-term settlement basis. Here also there is a bar for transfer without prior permission of the R.R.& R. Department.

In a proceeding with L.R. Department & R.R.&R. Department it was clearly stated that land acquired by R.R.& R.Department and subsequently transferred to the refugees by dint of CONRIT or free hold title deed should be recorded in the name of R.R. &R. Department first and then khatians should be opened in the name of F.H.T.D. holder on the basis of possession and deed.

In fact, it is observed that the lands of the erstwhile squatters colonies were allotted to refugees as per layout and plan made by the R.R. & R. Department. But in 90% of the cases the said refugees are occupying land according to their own sweet will.

Secondly in most of the cases the refugees have already sold their lands to non-refugee persons validly and in some cases without any permission.

However after careful consideration of the pros and cons of the cases of the refugee land and in order to up date the relevant Record of Rights it is suggested that ;

- 1) A detailed survey by patchkistwar should be made in respect of refugee colony if not a all surveyed. The District R.R.&R. establishment should also be involved in the exercise. The DLLRO shall take it up with the ADM (R.R.&R.)
- 2) The district R.R.&R.office / Sub-divisional R.R. & R. Office shall be asked to prepare a list of all R.R.& R. lands under their possession as per proforma given in **Annexure "A"** within a reasonable time and should be collected by the District Land & Land Reforms Officer and transmitted to the concerned S.D.L.&L.R.O. and B.L.& L.R.O. to do the needful recording in the R.R. & R. Khatian.
- 3) As the deeds have been preserved haphazardly in the district R.R.& R. office monthly, it is best that an inventory of all the leases/deeds should also be made by the district R.R.&R. /Sub Divisional R.R.&R. Office as per proforma given in **Annexure "B"** within a reasonable time. This can be computerized also for easy access and should be collected by the District Land & Land Reforms Officer and transmitted to the concerned S.D.L.&L.R.O. and B.L.&L.R.O. to do the needful recording.
- 4) Survey can be carried out immediately on the basis of preliminary reports as to the location of the R.R.&R. colonies and the settlement made on the basis of LOP (Land outlay plot no. of R.R.&R. Department) which would require patch kistwar for the whole colony and the preparation of hal-sabek list of plot nos. for easy

convenience. Survey can be done on the existing scale itself and new roads and other important features within the colony should be delineated without fail. R-O-Rs already framed should be cancelled as per the appropriate section under W.B.L.R. Act.

- 5) As per possession the recording should be made strictly except in the case of encroachers/transfers made within prohibited period of 10 years wherein the invalid transfers shall not be taken cognizance and the R-O-Rs shall be left in the name of the R.R.&R. Department. This applies to even cases where there is a discrepancy between the possession details and the deed particulars. Possession by the refugee is the basic feature. Non-refugees in possession cannot be recognized and the land would be kept recorded in R.R.&R. Department only.
- 6) A khatian should be opened in case of lease deed CONRIT or gift or F.H.T.D. if the concerned refugee has not alienated the land within the prohibitory period in a similar fashion as in pattas by doing a math khasra under any section of the W.B.L.R. Act, 1955 as would be applicable. If the land is sold within the prohibitory period the record will stand in the name of R.R.&R. Department and not in the name of non refugee purchaser. The proforma "B" would be able to provide guidance.
- 7) If the B-II touzi khatian of the R.R.& R. Department has not been up-dated then it should be updated on the basis of information given in proforma "A".
- 8) For the case of a lease deed given to a refugee as in type (i) case, the refugee should be told to convert his lease deed into a free-hold right and title deed (FHTD) at the District R.R.&R. Office and then bring it for recording and in no case recording should be done on the basis of a lease deed.
- 9) For gift deed given to a refugee a khatian should be opened model of which is at **Annexure "C"**.
- 10) For free hold title deed given to a refugee recording is shown in model khatian at **Annexure "D"**
- 11) For the case of settlement by the R.R.&R. Department as in the case (iv) the model khatian is given in **Annexure "E"**

It is further impressed that correctness of recording of refugees lands is mostly depends upon the accuracy of the Survey conducted and availability of records from the R.R.&R. local office. In this connection the R.R. & R. Department may be requested to facilitate information already available with them.

Immediate steps should be taken so as to complete the entire work within 3 months.

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

Memo No. 7/5061 - 5160/C/2000

Dated, Alipore, the 25.8.2000

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) The District Land & Land Reforms Officer/Sub-divisional Land& Land Reforms Officer
- 4) Sri

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

ANNEXURE - 'A'**LAND STATUS OF REFUGEE COLONIES****NAME OF THE DISTRICT****NAME OF THE SUB-DIVISION****CATEGORY : [GS Urban/Cr.Rural/175 Cr./147 Cr./607 Cr./Other (if any)]**

Sl. No.	Name of the Colony & Type	Quantum of Land 1) Acquired (LA CaseNo. be mentioned) 2) Transferred	Location of Colony mentioning under which mouza/ Block/ Police Station	Date(s) of taking over possession of land	Quantum of vacant land in possession (Mention Plot No. & Area)	Quantum of water area/ Ferry/ Market/ Hut places in the colony in acres.	Area encroached in acres (if any)	Particulars of lease-hold properties			Remarks
								Name (s) of the organisation	Total area	Land Schedule	
1	2	3	4	5	6	7	8	9			10

ANNEXURE - 'B'**PROFORMA**

Sl. No.	Date of Registration	Name of Loanee	Father's Name	L.O.P. No.	Mouza	C.S./R.S. Dag No.	Area	Deed No.	Date of Execution of Deed	Name of the Colony	Remarks
1	2	3	4	5	6	7	8	9	10	11	12

<http://wbllroa.in>

For Gift Deed

Annexure "C"

West Bengal Form No. 5463

----- **"Bengali"** -----

<http://wbllroa.in>

-----“Bengali”-----

<http://wbllroa.in>

For free Hold title deed

Annexure "D"

West Bengal Form No. 5463

-----"Bengali"-----

<http://wblroa.in>

-----“Bengali”-----

<http://wblroa.in>

For Lease Deed as per para IV

Annexure "E"

West Bengal Form No. 5463

----- "Bengali" -----

<http://wblroa.in>

-----“Bengali”-----

<http://wbllroa.in>

GOVERNMENT OF WEST BENGAL
LAND AND LAND REFORMS DEPARTMENT
L.R. (A-III) Branch

No. 2212 GE(M)/3M-49/03

Dated, The 13th August, 2003.

ORDER

It is observed that transfer of vested land inter-departmentally to the R.R. & R. Deptt. is getting delayed because of procedural formalities. There are hundreds of cases of inter-departmental transfer of Govt. vested land in favour of Refugee Relief and Rehabilitation Department for regularisation of different refugee colonies pending for a long time. In order that such transfers are done expeditiously, the Governor has been pleased to delegate the authority upon the District Collectors for dealing with the matters concerning transfer of Govt. vested land to R.R. & R. Deptt. for regularization of refugee colonies and to give the following direction :-

- (i) Collector of a district shall form a committee with himself as chairman and ADM DLLRO, ADM(RR) and SDLLRO, within whose administrative jurisdiction refugee colony/colonies (which requires regulation) on vested land is/ are situated, as members;
- (ii) Refugee Relief and Rehabilitation Deptt will prepare every proposal following the norms/guidelines issued by the deptt. for each colony and furnish the same to the concerned DLLRO through ADM(RR).

On the basis of the particulars thus received from the ADM(RR), DLLRO shall conduct physical verification of the land in question through his agency. In course of such enquiry the nature of land, status of land whether vested or otherwise, the year of coming up of the colony, name and other personal details of the allottees (in whose favour F.H.T.D. or otherwise, as the case may be, will be issued by Refugee Relief and Rehabilitation Deptt), the date/ dates from which they (the allottees) have been in possession and the date/ dates from which F.H.T.D. or deed of any other nature to be issued by the Refugee Relief and Rehabilitation Department and any other relevant particulars as maybe considered relevant are to be ascertained.

- (iii) On completion of the enquiry the meeting of the committee is to be convened where the enquiry Report and other particulars will be discussed and finalised ;
- (iv) On finalisation of the matter the Collector shall issue direction upon the DLLRO to formally make over possession of the land if available and not encumbered by Court cases to ADM (RR) being the representative of the Refugee Relief and Rehabilitation Deptt.
- (v) After making over possession of the land DLLRO shall take necessary steps for featuring the names of the allottees with area and share of any existing L.R. or R.S. plot number held by each of them in the record-of rights.
- (vi) Land Revenue is to be assessed on the areas of the part of the held plot by an allottee and collected with arrear and interests from the year in which he was given possession by the Refugee Relief and Rehabilitation Department.
- (vii) The entire exercise as outlined in the foregoing paragraphs should be completed within a span of six months. On completion of the task the Collector shall be liable to send list of such allottees in each colony to the concerned Divisional Commissioner, Land and Land Reforms Department and Refugee Relief and Rehabilitation Deptt. for record. L.& L.R. Deptt. will issue formal transfer order in favour of R.R. & R. Deptt.

- (viii) DLLRO shall conduct necessary survey work in each of the colonies to assign a particular plot number in respect of the area of the land held by each allottee in any future course of time as convenient to him.

By order of the Governor
P. Roy
Principal Secretary to the
Govt. of West Bengal
L. & L.R. Department

No. 2212/1(43)-GE(M)

Dated the 13th August, 02003

Copy forwarded for information and necessary action to the :

- 1) Pr. Secretary to the Refugee Relief and Rehabilitation Deptt.
Writers Buildings, Kolkata – 700 001
- 2) Divisional Commissioner,
- 3) DLRS & Jt. LRC , West Bengal.
- 4) District Magistrate & Collector
- 5) ADM & DLLRO / DLLRO
- 6) P.S. to MIC, L & L.R. Deptt.

Sd/- Illegible
Dy. Secretary to the
Govt. of West Bengal
L & L.R. Department.

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