

33. MANAGEMENT OF GOVT. KHAS AND VESTED LANDS

From Health (Medical) Department File No. Medl. 6H-23/60

Subject. — The Land Acquisition Act, 1894 (Act I of 1894) — Proposal for acquisition of “Jalpaiguri House,” which is held under a lease for 99 years, for establishment of a T.B. Hospital at Darjeeling — Whether the land can be resumed by Government on the expiry of the specified period — If not, how much compensation should be paid to the lessee for acquiring his leasehold right ?

Government Solicitor’s opinion

It appears that the land is held under a lease for 99 years. Accordingly, under section 8(1) of the West Bengal Non-Agricultural Tenancy Act, 1949, the lessee holding such land is, on expiration of the period specified in the lease, entitled to the option of successive renewals of such lease on such fair and reasonable conditions as to rent as may be agreed upon between the Government and the lessee. Under sub-section (3) of the said section, the lessee cannot be ejected during the term of such renewal except on the ground that he has used such land in a manner which renders it unfit for use for the purposes of the tenancy. In view of the same, the lessee is, for all practicable purposes, the owner of the leasehold land, subject, however, to the payment of rent which is payable in terms of the lease for the period of the lease, and thereafter, on renewal, of such fair and reasonable rent as may be agreed upon by the parties. There is a provision in section 11 of the Act regarding enhancement of rent on a fair and reasonable basis. On the expiration of the period of the lease, the land cannot be resumed by the Government if the lessee exercised his option to have a renewal of the lease on a fair and reasonable rent being fixed.

On acquisition of the property, the lessee will be entitled to the compensation for lease-hold interest in the land as if he held the land in perpetuity, subject to the conditions regarding payment of rent as mentioned above and the condition regarding ejection in case he rendered the land unfit for use for the purpose for which it was demised. The valuation of such leasehold interest will have to be made taking all those factors into consideration.

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

No.2634(15)-GE(M).

Calcutta, the 7th March, 1979.

To
The Collector,
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Sub : Making over of all khas or vested tanks and ferries to the Panchayat Institutions.

In accordance with the decisions taken by the Cabinet Sub-Committee on Panchayat Institutions for the transfer of khas or vested tanks, hats, bazars and ferries to the Panchayat bodies for their control and management it has been decided by the Board of Revenue that the following steps should be taken for the quick implementation of the decisions :-

- i) Lists of khas or vested tanks (Gram Panchayat-wise) in respect of which the lease or settlement with the private individual or fishermen or Co-operative Societies of fishermen etc. expires on the last day of Chaitra, 1385 B.S. should be prepared immediately.

- ii) As soon as the lists are prepared such khas or vested tanks should be formally handed over to the respective Gram Panchayats on and from the 1st Baisakh, 1386 B.S.
- iii) Likewise lists of khas or vested tanks remaining unsettled may be prepared and such tanks handed over to the Gram Panchayats immediately.
- iv) Separate lists of khas or vested tanks (Gram Panchayatwise) in respect of which lease or settlement would expire on subsequent years should be prepared immediately indicating against each the date on which the term expires.
- v) As and when the tenure of lease or settlement of such tanks expires these should be promptly handed over formally to the concerned Gram Panchayats.
- vi) In case any khas or vested tanks whose jurisdiction extends over more than one Gram Panchayat, such khas or vested tank should be handed over to the Panchayat Samity.
- vii) Khas or vested tanks extending over more than one Panchayat Samity, should be handed over to the Zilla Parishad concerned.
- viii) In respect of vested ferries Panchayat Samitiwise lists of such ferries in respect of which the lease or settlement expires on the last day of Chaitra, 1385 B.S. should be prepared immediately and such ferries formally handed over to the respective Panchayat Samities.
- ix) A complete Panchayat Samitiwise list of vested ferries whose terms expires on subsequent years should also be prepared immediately indicating against each the date of expiry of settlement so that they may be handed over to the concerned Panchayat Samity on time.
- x) The ferries covering more than one Panchayat Samity may be handed over to the Zilla Parishad after expiry of their tenure of lease or settlement.
2. A copy of each of the list of khas or vested tanks and ferries of your district referred to in (i), (iii), (iv), (vii) and (viii) above may kindly be sent to the Board of Revenue as soon as they are prepared, for its information and record.
3. The Board of Revenue may also be supplied with a copy of list of khas or vested tanks and vested ferries which are handed over to the Panchayat bodies on and from 1st Baisakh, 1386 B.S. and on subsequent date or years.
4. Khas or vested tanks are settled with the Co-operative Societies of fishermen in terms of rule 273 of the G.E. Manual. Groups of fishermen sponsored by the panchayats may, however, be treated on par with the Co-operatives of fishermen for the purpose of giving settlement of khas or vested tanks by the Panchayat Institutions.

J. R. Saha.
Secretary.
Board of Revenue, West Bengal.

Memo No.2634/1(22)-GE(M)

Copy forwarded to :-

- 1) The Department of Panchayats.

The attention of the Panchayat Department is drawn specially to the last paragraph of the circular.

- 2) The Commissioner, _____ Divn. _____

- 3) The Additional District Magistrate (LR)/
The Additional Deputy Commissioner (LR),

for information and necessary action.

Dated, Calcutta,
The 7th March, 1979.

J. R. Saha
Secretary.
Board of Revenue, West Bengal.

FORM FOR MAKING OVER POSSESSION

In pursuance of orders contained in Board of Revenue's Memo. No.2634/1(22)-GE(M) dated 7th March, 1979 the following sairati interests/properties are hereby made over to the Pradhan, _____ Gram Panchayat/Sabhapati _____ Panchayat Samity/Sabhadhipati _____ Zilla Parishad for the purpose of management and control subject to the conditions : that _____

(i) The making over of the properties/interests of the L.U. & R. and Land and Land Revenue Department/Board of Revenue, West Bengal does not confer on the Panchayats any proprietary rights in the same.

(ii) The properties/interests would continue to be the properties of Land Utilisation and Reforms and Land and Land Revenue Department/Board of Revenue, West Bengal;

(iii) The Zilla Parishad/Panchayat Samity/Gram Panchayat will have no right to dispose of or alienate such properties in any manner except by way of short term lease/license subject to the right of the L.U. and R and L and L.R. Department/Board of Revenue to resume.

(iv) Government in the L.U. & R. and L. & L.R. Department are free to resume possession of such properties without paying any compensation either to the Zilla Parishad/Panchayat Samity/Gram Panchayat or to their lessees/licenses if the interest/properties are required by the Government for any purpose.

Signature of S.L.R.O./J.L.R.O.

SCHEDULE OF PROPERTIES

- 1)
- 2)
- 3)
- 4)

DECLARATION OF ACCEPTANCE

I, Shri _____ Sabhadhipati, _____ Zilla Parishad/Sabhapati _____ Panchayat Samity/Prodhan, _____ Gram Panchayat hereby accept without any reservation the terms and conditions laid down in the aforesaid order and take over possession of the properties/interests mentioned therein for management and control thereof.

Signature :

Sabhadhipati, _____ Zilla Parishad.

Place : Sabhapati _____ Panchayat Samity.

Date : Pradhan, _____ Gram Panchayat.

GOVERNMENT OF WEST BENGAL
Office of the Board of Revenue, West Bengal
Section – AIII, G.E. (M) Branch

No.5777(18)-G.E. (M)

Dated : Calcutta, the 17th/21st May, 1979.

To
The Addl. District Magistrate (L.R)
Addl. Deputy Commissioner (L.R.)

Sub : Making over of all khas or vested tanks, ferries etc. to the Panchayat Institutions.

In Board's Memo. No.2634/1(22) - G.E. (M) dated 7.3.79 instructions were issued for making over khas or vested tanks and ferries to the Panchayat Institutions in phases in accordance with the decision of the Cabinet Sub-Committee on Panchayat Institutions.

It is clarified for his information that Sairati interests such as Khas or vested water areas, hats, bazars, ferries etc. which are State Govt's property will not vest in the Panchayats with the making over of such properties to the Panchayat Institutions. The said Sairati interests are being handed over to the Panchayats only for management and control by them. The properties will thus continue to be the properties of the L.U. & R. & L.& L.R. Department/Board of Revenue, West Bengal.

It may also be noted that if and when Govt. would require any such property for any purpose it would be free to resume possession without payment of any compensation to either the Panchayat Institutions or their lessees/licensees.

Since the Panchayats would hold the properties only for management and control they will have no right to dispose of or alienate any such property in any manner except by way of short term lease/license subject to the right to the L.U. & R. and L & R. Department/Board of Revenue to resume.

Further, since the properties would continue to be the properties of the L. U. & R and L. & L. R. Department/Board of Revenue, provisions of the G.E. Manual would be applicable with such modification or circulars as may be issued from time to time for the purpose of leasing out those properties under the Panchayats.

In this context clarification on different points raised in connection with the handing over the khas or vested tanks, ferries etc. are given below :-

<u>Points raised</u>	<u>Reply</u>
1. If possession of khas or vested tanks which have already been settled for 1386 B.S. and lease rent realized but possession not yet given to the lessee should be made over to the Panchayat bodies.	No. Such vested tanks may be handed over to the Panchayat Institutions on the expiry of the term i.e. 31 st Chaitra, 1386 B.S.
2. Whether closed Channels, closed Khals, Beels and baors will also be treated as tanks in the broadest sense although rule 274 of the G.E.Manual views tanks separately from "closed Channels" and "closed Khals".	In addition to the vested tanks, vested beels, Baors, damush, closed Khals, closed Channels and the like which are not big in area may be handed over to Panchayat bodies. River fisheries and big water areas should not be handed over to the Panchayat Institutions. They will continue to be given in settlement by district Officers as per provision of the G.E. Manual.

3. If partly vested tanks which are required to be settled on long term basis with the owners of the retained portion and river fisheries should also be handed over to the Panchayat bodies. The part-vested water areas may be offered to the Panchayats. If, however, the Panchayats do not take over such part-vested water areas the present practice of settling the same with the owner of the retained portion may continue until further orders.
4. Whether the Panchayat Institutions are expected to lease out the tanks strictly in terms of the provisions of the G.E. Manual when it has been enjoined in Board of Revenue's Circular No. 2634 (15)G.E. (M) dated 7.3.79 that groups of Fishermen sponsored by the Panchayats may be treated on par with the Co-operatives of Fishermen for the purpose of giving settlement of vested tanks, and in that case the role of the J.L.R.Os in the Settlement to be made by the Panchayats. The provisions of the G.E. Manual would be applicable with such modification or circulars as may be issued from time to time. Except in an advisory capacity, the J.L.R.O's will have no role to play, since the Panchayat bodies are expected to act on their own.
5. If vested/khas ferries which have been settled for 1386 B.S. after holding auction and lease rent realized but possession not yet delivered should also be made over to the Panchayat Institutions. No such ferries should be made over on the expiry of the term i.e., 31st Chaitra, 1386 B.S.
6. Whether Khas ferries are to be handed over to the Panchayat bodies. Yes.
7. What steps should be taken in respect of Sairati interests falling within the jurisdiction of Municipal areas. In terms of section 6 of the West Bengal Panchayat Act, 1973 since such Sairati interests do not fall within the Gram-Panchayats, they need not be handed over to the Panchayat bodies. Settlement in such cases will continue to be made as per rules by the Officers of the Land Reforms wings of the Collectorate.
8. Whether any rent will be realized from the Gram-Panchayats for making over possession of the Khas or vested or tanks/ferries etc. No.
9. What procedure will be followed for making over possession of Khas or vested tanks, ferries etc. to the Panchayat Institutions. A Specimen form for handing over is enclosed.
10. Whether vested hats and bazaars will also be made over to the Panchayat Institutions when there is no mention in of them in Board's Memo No.2634 (15)-G.E.(M) dated 7.3.79. Since the year 1386 B.S. has already started such hats and bazars may be settled by the district Officers for this year as per provisions of the G.E. Manual.

The question of handing over such hats to the Panchayats will be taken up after the Department of Agriculture indicates their preference for retaining some hats and markets to be settled with the Regulated Market Committees.

It is requested that the making over operation may be processed accordingly. The Department of Panchayat & C.D., Divisional Commissioners and Collectors are being informed.

J.R. Saha
Secretary
Board of Revenue, West Bengal.

Memo No.5777/1(19)-G.E.(M)

Copy forwarded to the :-

1. Department of Panchayats & C.D.
2. Commissioner..... Division
3. Collector

for information and necessary action.

Calcutta, The 17th May, 1979.

J.R. Saha
Secretary,
Board of Revenue, West Bengal.

GOVERNMENT OF WEST BENGAL
Office of the Board of Revenue, West Bengal
Section-A(III), G.E. Branch.

No. 12495(15)-G.E(M)

Dated : Calcutta, the 14th/26th September, 1979.

To
The Collector.....

Sub : Settlement of khas/vested non-agricultural land with the Panchayati Institutions for implementing schemes, Commercial and Industrial, for the benefit of the Rural Poor and fixation of rent and salami for such lands.

A proposal for settlement of khas or vested non-agricultural land with the Panchayati Institutions on a long term basis free of cost for implementing schemes, commercial and industrial, under the Integrated Rural Development Programme which aims at boosting up the income levels of the weaker sections of the rural population has been under active consideration of the Govt. for some time.

It has been since decided by the Govt. that where the land is required by the Panchayati Institutions for commercial and industrial schemes like Grain Golla, Brick making or some Cottage industry etc. long term lease may be granted at @ 2% instead of the usual rent of 4% of the market value of the land and selami at 10 (ten) times of such rent.

However, in consideration of the initial difficulties of the commercial and industrial ventures a moratorium may be given on realization of rent and selami for the first five years i.e. Govt. dues are to be realized at the above rates from the sixth year of the launching of project.

In respect of other schemes which are entirely for public purpose such as road, Pathways, community drinking well, community centers, dharma gollas (but excluding grain gollas for commercial purpose) long term lease may be allowed on a very token once-for-all payment of Re.1/- (Rupee one) to Rs.100/- (Rupees one hundred) only, depending upon the quantum of land.

All the cases of Panchayati Institutions requiring khas or vested non-agricultural lands may kindly be processed accordingly and necessary proposals be sent through the Divisional Commissioner for formal approval of the Board.

Sd/- Illegible
Secretary.
Board of Revenue, West Bengal.

Memo No.12495/1(27)-GE(M)

Copy forwarded to :-

1. The Addl. District Magistrate/Addl. Deputy Commissioner (L.R.).....
2. The Settlement Officer,
3. The Director of Land Records & Surveys, West Bengal for information and necessary action.

Calcutta,
The 14th/26th September, 1979.

Sd/- Illegible
Secretary.
Board of Revenue, West Bengal.

Memo No.12495/2-GE(M)

Copy with a copy of the endorsement forwarded to the Panchayats and Community Development Department for information with reference to their Memo No.186/Panch/79 dated 4.7.79.

Calcutta,
The 14th/26th September, 1979.

Sd/- Illegible
Secretary.
Board of Revenue, West Bengal.

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Government of West Bengal
Office of the Board of Revenue, West Bengal.
Section -A, GE(M) - Branch.

No. 681(18)-GE(M)
444/78

Calcutta, the 24th January, 1980.

To
The Addl. District Magistrate (LR)/
The Addl. Deputy Commissioner (LR),

Sub : Transfer of Khas/vested hats and bazars to the Panchayat Bodies for their control and management.

Ref : This office Memo. No.2634(15)-GE(M) dt. 7.3.79 and No.5777(18)-GE(M) dated 17/22.5.79.

It has been decided in consultation with the Agriculture Department that the management and control of the khas/vested hats and bazars as per list enclosed would be handed over to the Regulated Market Committees concerned during the year 1387 B.S. pending finalisation of the terms and conditions of settlement. The management

and control of hats/bazars including daily markets, if any as detailed in the list, should, therefore, be handed over to the Regulated Market Committees concerned with effect from 1st Baisakh, 1387 B.S./expiry of the present term of lesse subject to the conditions when decided by the Govt. would be binding on the Regulated Market Committees.

The hats and bazars not included in the list should be transferred to the Panchayat bodies for their management and control as per decision of the Cabinet Sub-Committee on Panchayat Institution. The procedure for transfer as prescribed in Board's memo. No.2634(15)-GE(M) dt. 7.3.79 in respect vested tanks/ferries etc. should be followed in this regard also.

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

**Enclosure to Board's memo. No.681(18)-GE(M)
dtd. 24.01.1980**

List of hats/bazars to be transferred to the Regulated Market Committee

District	Sub-Division	Name of the Market Committee	Name of the hat/bazar
(1)	(2)	(3)	(4)
Cooch Behar	1.Dinhata	Dinhata Regulated Market Committee	1. Sotainhat In addition to the hats already transferred.
	2.Tufanganj	Tufanganj Regulated Market Committee	1. Balarampurhat with daily Market. 2. Dhalpul hat
	3.Mathabhanga	Mathabhanga Regulated Market Committee	1. Nishiganj hat
Jalpaiguri	1.Jalpaiguri	Dhupguri/Balacoba Regulated Market Committee	1. Chaulhati 2. Totapara hat 3. Baner hat 4. Mongalkot hat
Darjeeling	1.Kalimpong	Kalimpong Regulated Market Committee	1. Kalimpong hat 2. Ramvi hat
	2.Siliguri	Siliguri Regulated Market Committee	1. Phansidewa hat 2. Salbari hat 3. Panighata hat 4. Kamargarh 5. Dumnihat 6. Lishipukri hat 7. Vilamanshi hat 8. Chater hat 9. Suptikushi hat 10.Adhikari hat 11.Batashi hat
West Dinajpur	1. Islampur	Islampur Regulated Market Committee	1. Ramganj hat 2. Daspara hat 3. Sonapur hat 4. Chopra hat 5. Panjipara hat 6. Kalnagin hat

			7. Fatepur hat 8. Patagura hat 9. Islampur (Retail) 10. Malikundi hat
Malda	1. Malda Sadar	Samai Regulated Market Committee	1. Swarupganj hat 2. Bhagwanpur hat 3. Kaligram Daily Market 4. Mashalda hat 5. Bhaluka Bazar hat
Burdwan	1. Katwa	Katwa Regulated Market Committee	1. Ankhana hat 2. Khandan hat 3. Kamarpar hat 4. Gopalpur hat 5. Ketugram hat
	2. Kalna	Kalna Regulated Market Committee	1. Kalna Chalk bazaar 2. Nadanghat hat 3. Dhatrigram hat 4. Ranibandh hat 5. Balu hat
Midnapore	1. Ghatal	Jhakra Regulated Market Committee	1. Jhakra Bi-weekly hat
	2. Midnapur Sadar (North)	Goaltore Regulated Market Committee	1. Zogimari hat
Birbhum	1. Bolepur	Bolepur Regulated Market Committee	1. Singhi Sabji hat
Purulia	1. Purulia	Balarampur Regulated Market Committee	1. Kalipal weekly hat 2. Kalimati weekly hat 3. Santuri weekly hat 4. Chotourama weekly hat 5. Dara Bi-weekly hat
Hooghly	1. Hooghly (Sadar)	Pandua Regulated Market Committee	1. Khanpur hat 2. Painan hat 3. Goswami malipara hat 4. Chowhata hat 5. Mallica Kasam hat
	2. Serampore	Sheoraphuli Regulated Market Committee	1. Sheoraphuli hat 2. Jangipara hat.

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

No. 3868(18)-G.E.(M)
425/78(Pt.1)

Dated : Calcutta, the 14th/17th March, 1980.

To
The Addl. District Magistrate (L.R.)/
The Addl. Deputy Commissioner (L.R.)

Subject : Making over of Sairati interests to the Panchayat Institutions.

Consequent upon the issue of the instructions regarding transfer of different Sairati interests viz. Khas/Vested tanks and fisheries, ferries and hats and bazars to the Panchayat Institutions several references have been received from the different district officers whether other Sairati interests viz: Mela, Ghaskar, Falkar, Bhagar, Khutagari, Haddigari & Public ferries, should be transferred to the Panchayat Institutions. After careful consideration it has been decided that :

- 1) the Sairati interests namely, Mela, Ghaskar, Falkar, Bhagar and Haddigari interests should be handed over to the Gram Panchayats with effect from 1st Baisakh, 1387 B.S. or with effect from the date of expiry of present term of Settlement if any,
- 2) the Khutagari interests should be transferred to the Panhayat Samities with effect from 1st Baisakh, 1387 B.S or with effect from the date of expiry of present term of Settlement if any, and
- 3) the ferries which have been declared as "public ferries" under the Bengal Ferries Act, 1885 should remain exclusively under the control of the District Magistrate as provided in rule 227 of the Land Management Manual unless otherwise decided by the Administrative Department.

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

Memo No.3868/1(19)-G.E. (M)

Copy forwarded to :-

1. The Commissioner,.....Division.....
2. The Collector/Dy. Commissioner,.....
3. The Department of Panchayat.

Calcutta,
The 14th/17th March, 1980.

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

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GOVERNMENT OF WEST BENGAL
Office of the Board of Revenue, West Bengal
Section-A(III), G.E.(M)-Branch

No. 7510(18)-GE(M)
444/78

Dated : Calcutta, 22nd May, 1980.

To
The Addl. Dist. Magistrate (LR)/
The Addl. Dy. Commissioner (LR)

Subject : Transfer of Khas vested hats and bazars to the Regulated Market Committees.

Reference : This office memo no. 681(18)-GE(M) dt. 24.01.80 [and memo no.16-GE(M) dt. 2.1.80]

[] For A.D.C. Cooch Behar only

In inviting a reference to the memo. no. quoted above the undersigned is directed to say that it has since been decided by the Board in consultation with the Agriculture Department that the vested/khas hats and bazars included in the list enclosed therewith should be settled with the Regulated Market Committees concerned in terms of the provisions of the Land Management Manual, 1977 with effect from 1st Baisakh, 1387 B.S./expiry of the present term of lease, if any, on the following terms and conditions :-

(i) hats and bazars should be settled on lease with the Regulated Market Committees initially for a period of fifteen years on economic rent subject to right of enhancement of the lease rent after every three years ;

(ii) the economic lease rent for the hats and bazars should be fixed on the basis of average lease rent for the preceding three years ;

(iii) if the Regulated Market Committees concerned are not in a position to pay the entire economic lease rent at a time, they may be allowed to pay the annual lease rent during the first three years of lease in four equal quarterly instalments payable in advance at the beginning of each quarter subject to a review of the payment procedure thereafter ;

(iv) the hats/bazars, which are under khas management i.e. managed by engaging different categories of staff sanctioned for management of the respective hats/bazars only, should be transferred to the Regulated Market Committees along with those staff.

The Board has no objection to the mortgaging of the leasehold interest of the hats/bazars to the Banks for procuring loans by the lessee R.M.C. for proper and effective utilization and intensive development of the hats/bazars concerned.

The list of hats and bazars transferred to the Regulated Market Committees concerned along with economic rent fixed for each should be sent to the Board in due course.

S. Singh
Secretary, Board of Revenue, West Bengal &
Jt. Secretary (ex-officio),
L.&L.R. Department.

Memo No.7510/1(19)-GE(M)

Copy forwarded to :-

1. Secretary, Agriculture Department,
2. Commissioner.....Division.....
3. Collector/Deputy Commissioner,.....
for information.

Calcutta,
The 22nd May, '80.

Sd/- Illegible
Assistant Secretary,
Board of Revenue, West Bengal.

GOVERNMENT OF WEST BENGAL
Office of the Board of Revenue, West Bengal
Section -A(III), G.E.(M) Branch

No.15457-GE(M)

Dated, Calcutta, the 15th October, 1980.

To
The Secretary,
Panchayat Deptt.

Sub : Management of khas tanks/fisheries handed over to Panchayats.

A reference is invited to para 4 of Board's Memo No.2634(15)-GE(M) dated 7th March, 1979 a copy of which was endorsed to him under Memo No.2634/1(22)-GE(M) dated 7th March, 1979. It was envisaged therein that khas or vested tanks which were made over to the Panchayatiraj institutions would be settled with the Co-operative Societies of fishermen or groups of fishermen sponsored by the Panchayats.

2. Representations have been received that in some cases such tanks have been settled with individuals instead of Co-operative Societies or groups of fishermen. The Board of Revenue would like to emphasise that efforts at all levels should be made to harness the maximum potentialities of the vested tanks whose management and control have been handed over to the Panchayatiraj institutions. It is accordingly felt that if the Panchayats directly manage the tanks handed over to them this will not only help development of fisheries but also creation of assets for the Panchayats. The Panchayats may also come forward to participate in intensive fishery development programmes undertaken by the Deptt. of Fisheries. It has been decided in consultation with the said department that they would extend all technical help and co-operation to the Panchayats in such efforts.

3. If direct management of such fisheries by the Panchayats cannot be made due to unavoidable reasons, those should be settled under rule 221 of the West Bengal Land Management Manual, 1977. In making such settlement the Panchayats may lease out the tanks to groups of fishermen sponsored by them if attempts to settle the same with the Co-operative Societies of fishermen recommended by the Registrar of Co-operative Societies fail. It is requested that all attempts should be made to avoid settlement of such tanks with individuals.

This may kindly be brought to the notice of the Panchayatiraj institutions.

Sd/- Illegible
Special Secretary,
Board of Revenue, West Bengal.

Memo No.1547/1(37)-GE(M)

Copy forwarded to :-

1. Sabhadhipati.....District for information. He is requested to issue necessary instructions to the Panchayatiraj Institutions in this regard.
2. Commissioner.....Division.....
3. Addl. Dist. Magistrate (LR)/Addl. Deputy Commissioner(LR).....District.
4. Fisheries Department with a request to issue instructions to the field officers to extend necessary technical help and co-operations to the Panchayats participating in intensive fisheries development.

Dated : Calcutta,
The 15th October, 1980.

Sd/- Illegible
Special Secretary,
Board of Revenue, West Bengal.

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GOVERNMENT OF WEST BENGAL
Office of the Board of Revenue, West Bengal
Section - AIII, GE(M)-Branch

No.2035(15)-G.E.(M).

Dated, Cal, the 21st Feb., 1981.

To
The Collector/Deputy Commissioner,
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Sub : Principles to be followed in the matter of settlement of khas/vested land with Panchayati Institutions.

In Board's Memo No.12495(15)-GE(M) dated 14/26.9.79 principles to be followed for settlement of Khas/vested non-agricultural land with the Panchayati Institutions for

implementing Schemes-Commercial, Industrial for the benefit of the Rural Poor and fixation of rent and selami for such lands have been communicated. Now a question has arisen as to how the khas and vested lands required by the Panchayati Institutions for their use for any purpose other than those mentioned in the above mentioned circular should be settled.

After careful consideration it has been decided by the Board that khas/vested non-agricultural land required by the Panchayati Institutions for any purpose other than those mentioned in the Circular No.12495 (15) –GE(M) dated 14/26.9.79 should be settled in the following manner :-

- i) Settlement should be made on long term basis on payment of usual rent and Selami in terms of rule 166 of the W.B.L.M, Manual, 1977 ;
- ii) Requirement of advertisement as provided in rule 167 of W.B.L.M. Manual 1977 may be dispensed with, and
- iii) delivery of advance possession may be given to the Panchayati Institutions subject to a written undertaking by the Panchayat body to the effect that it would pay such rent and selami as may be fixed for the land.

S. Singh
Secretary, Board of Revenue, West Bengal
& (ex-officio) Joint Secretary to the Govt. of
West Bengal, Land and Land Reforms Deptt.

Memo No.2035/1(3)-GE(M)

Copy forwarded to the Commissioner,.....Division.....for information.

Dated : Calcutta,
The 21st February, 1981.

S. Singh
Secretary,
Board of Revenue, West Bengal.

●

GOVERNMENT OF WEST BENGAL
Land & Land Reforms Department
Land Reforms Branch

NOTIFICATION

No.476-L. Ref.

Dated, Calcutta, the 19th June, 1987.

A sizeable area of agricultural land vested under the provisions of West Bengal Estates Acquisition Act, 1953 and the West Bengal Land Reforms Act, 1955, but which could not be distributed, has been lying at the disposal of the State Government. For sometime past, a proposal for assignment of these lands to the Panchayat Samitis for the purpose of maintenance and community use had been under consideration of the Government.

The undersigned is now directed to say that after careful consideration of the matter and also taking into consideration that rules in this regard have not yet been finally framed, the Governor has, in exercise of the powers conferred by Section 62 of the West Bengal Land Reforms Act, 1955 read with Sub-section (2) of Section 52 of the W.B.L.R. Act, 1955, been pleased to direct that such undistributed vested lands as they stood on 31st March, 1987, and are not hit by any court injunction, shall be assigned by the Collector to the Panchayat Samitis within whose jurisdiction the lands are situated for the purpose of maintenance and community use subject to the following terms and conditions :-

- i) The lands so assigned shall continue to be the properties of the State Government in the Land and Land Reforms Department.
- ii) The Panchayat Samities will be the agency of the Government for putting such lands to community use.
- iii) The Panchayat Samities will hold the lands only for maintenance and community use and they will have no right to dispose of, transfer or alienate such lands in any manner whatsoever. In particular the Panchayat Samities shall have no right to lease out such lands.
- iv) The Panchayat Samities shall not use such lands assigned to them in any manner that benefits only one or a few individuals, but shall be free to use them for all types of community purposes like social forestry, common grazing grounds etc. and for any other purposes beneficial to the community as a whole.
- v) The State Government shall be free to resume possession of any such land from the Panchayat Samities, if such land is found to have been used for purposes other than those described herein, or at any time for any purpose that the Government may think fit.
- vi) Since the land would continue to be the property of the Land & Land Reforms Department the provisions contained in the West Bengal Land Management Manual, 1977 as are applicable, the existing Rules, if any, or any Rules that may be framed or any executive orders that may be issued by the Government in this behalf from time to time, would be applicable for the maintenance and use of such lands.

2. The Collectors of the districts shall prepare schedules of such lands mouzawise and Panchayat Samitywise as they stood on 31.03.87 for the purpose of assigning those lands to the Panchayat Samities. The lands proposed to be assigned will be clearly described in the schedules in terms of the plot no., Khatian No, name of the mouza and J.L. No.

3. The concerned Junior Land Reforms Officers are hereby authorised to make over possession of the lands to the respective Panchayat Samity for the purposes hereinbefore mentioned.

4. The work is to be completed by 31st August, 1987. A consolidated thana-wise list of lands of the district is to be sent to the Board of Revenue by 30th September, 1987.

5. All concerned may be suitably advised.

By Order of the Governor,
P. K. Dutta,
Deputy Secretary to the
Government of West Bengal.

No.477(48)-L. Ref.

Dated, Calcutta, the 22nd June, 1987.

Copy forwarded for information and necessary action to :-

- 1) The Commissioner,.....Division,.....
- 2) The Director of Land Records & Surveys, West Bengal, 35, Gopalnagar Road, Alipore, Calcutta-27.
- 3) The Collector,.....
- 4) The Additional District Magistrate (L.R),.....
- 5) The Settlement Officer,.....
- 6) The Panchayat & C.D. Department (Panchayat Branch) of this Government with the request to issue necessary instructions to the Panchayat Samities.

- 7) The Board of Revenue, West Bengal.
Specimen form for handing over of undistributed vested lands is enclosed.

P.K. Dutta
Deputy Secretary to the
Government of West Bengal.

FORM FOR MAKING OVER POSSESSION
PART - I

In pursuance of orders contained in Land and Land Reforms Departments' No.....dated.....the following plots of land as per schedule, annexed total area being.....acres, are hereby assigned to the Sabhapati.....Panchayat Samity for the purpose of maintenance and Community use subject to the following conditions -

- 1) The lands being assigned for the maintenance and community use, will continue to be the property of the State Govt. in the Land and Land Reforms Department and the Panchayat Samity will have no proprietary rights on the lands.
- 2) The State Government shall be free to resume possession of any such land from the Panchayat Samity for any purpose that the Government may think fit.
- 3) The Panchayat Samity will be the agency for the Government for putting such land to community use.
- 4) The Panchayat Samity will hold the lands only for the maintenance and community use and will have no right to dispose of or transfer or alienate such lands in any manner whatsoever. In particular the Panchayat Samity will have no right to lease out such lands.
- 5) The Panchayat Samity shall not use such lands assigned to it in any manner that benefits only one or a few individuals but shall be free to use them for all types of community purposes like social forestry, common grazing ground etc. and for any other purposes beneficial to the Community as a whole.
- 6) Since the land would continue to be the property of the State Government in the Land and Land Reforms Department, the provisions contained in the West Bengal Land Management Manual 1977, the existing Rules if any, or any such Rules as may be framed or any executive order as may be issued, by the Government from time to time would be applicable to such lands.

Countersigned by
S.L.R.O.....

Signature of J.L.R.O.....
For and on behalf of
Collector.....District.

PART - II
SCHEDULE OF LANDS

Panchayat Samity

District/Sub-Division/Thana

Sl. No.	Mouza J.L.No.	Khatian No.	Plot No.	Area	Classification	Remarks
1.						
2.						
3.						
4.						
etc.						
				Total area for the Panchayat Samity.....acres.		

Declaration of Acceptance

I, Shri Sabhapati,
..... Panchayat
Samity hereby convey consent and acceptance without any reservation of the terms and
conditions laid down in the aforesaid order and take over possession of the plots of land
mentioned therein for maintenance and Community use thereof.

Place.....

Date.....

Signature

Sabhapati

Panchayat Samity.

Seal.

●

GOVERNMENT OF WEST BENGAL
Land & Land Reforms Department
Land Reforms Branch

NOTIFICATION

No.484-L. Ref.

Dated Calcutta, the 22nd June, 1987.

In exercise of the power conferred by section 13 of the West Bengal Estates Acquisition Act, 1953 (West Bengal Act I of 1954), read with rule 12 of the West Bengal Estates Acquisition Rules, 1954 the Governor has been pleased to order as follows :-

1. All the khas and vested tanks and ferries belonging to the State shall, subject to the rules for the time being in force and subject to the directions issued, or may be issued, by the Government from time to time, be managed by the Gram Panchayats under whose respective jurisdictions the said tanks and ferries are located. In case a khas or vested tank or ferry falls under the jurisdiction of more than one Gram Panchayat, the same shall be managed by the Panchayat Samity under whose jurisdiction it falls, and in case such a tank or ferry falls under the jurisdiction of more than one Panchayat Samity, the same shall be managed by the Zilla Parishad.

2. The khas and vested tanks and ferries which are under valid lease or license granted by the Collectors, shall be managed by the Gram Panchayats, Panchayat Samities or Zilla Parishads, as the case may be, on expiry of the existing term of said lease or license.

3. The khas and vested tanks and ferries which were handed over by the Collectors to the Gram Panchayats, Panchayat Samities or Zilla Parishads, as the case may be, in pursuance of the memo. No.2634(15)-GE(M) dated 7th March, 1979 of the Board of Revenue, Government of West Bengal, shall be deemed to have been always managed, and shall continue to be managed, by the respective Gram Panchayats, Panchayat Samities or Zilla Parishads on and from the date on which the said tanks and ferries were handed over to them by the Collectors.

By order of the Governor,
B.C. Mukherjee
Secretary to the Govt. of West Bengal.

Copy forwarded to :

1. The Secretary to the Government of West Bengal, Panchayat Department.
2. The Secretary, Board of Revenue, West Bengal, Writers' Buildings, Calcutta-1.
3. The Commissioner..... Division.....
4. Sabhadhipati, Zilla Parishad.....
5. The Collector.....
6. The Director of Land Records & Surveys, West Bengal, 35, Gopalnagar Road, Alipore, Calcutta-27, for information and necessary action.

P.K. Dutta
Deputy Secretary to the
Government of West Bengal.

●

GOVERNMENT OF WEST BENGAL
Office of the Board of Revenue, West Bengal
Section - A (1), GE Branch

No. 15393(17)-GE
222/86

Dated Cal, the 16.9.1987

To
The Addl. District Magistrate (LR),

Sub : Assignment of vested agricultural lands to the Panchayat Samities for management.

Ref : L. & L.R. Department Notification No.476-L Ref. Dt.19.6.87.

The undersigned is directed to refer to the above and to state that several references have been received from the districts seeking clarifications on certain points regarding assignment of vested agricultural lands as they stood on 31.3.87 to the Panchayat Samities for the purpose of management. The points raised have been carefully considered by the Govt. and the following clarifications are issued for the guidance of the field-officers ;

- (1) All vested agricultural lands as stood on 31.3.87, whether fit or unfit for agriculture, and are not hit by any court injunction should be assigned to the Panchayat Samities in terms of the Govt. Order.
- (2) There may be lands which vested prior to 31.3.87 in respect of which distribution proceedings have already been started. Such lands should be similarly assigned to the Panchayat Samities, if those have not already been distributed by this time by issue of Patta. In such cases, while assigning the lands, the stage of the distribution proceedings, viz. recommendation by the Sthayee Samiti, sanction by the S.D.O. etc. should be noted in the land schedule.
- (3) The lands in respect of which proposals for departmental transfer have been initiated prior to 31.3.87 should not be assigned to the Panchayat Samities. Such lands will continue to remain at the disposal of the Govt. for departmental transfer in due course. and
- (4) Agricultural lands which have vested or will vest in the State after 31.3.87, should not be assigned to the Panchayat Samitis. Those lands will be distributed to the eligible beneficiaries in the usual manner.

It is requested that the above clarifications may be brought to the notice of all concerned for their guidance.

Dated, 17.9.1987.

A.K. Chakraborti
Special Secretary,
Board of Revenue, West Bengal and
(ex-officio), Jt. Secy. to the Govt. of West Bengal
L. & L.R. Department.

Memo. No.15394 (30)-GE

Date : 16.9.1987

Copy forwarded for information and necessary action to –

1. Land & Land Reforms Department of this Government.
2. Panchyat and C.D. Department, Panchayat Branch.
3. The Commissioner.....Division.
4. The Director of Land Records & Surveys, West Bengal, Gopal Nagar Road, Calcutta-27.
5. The District Magistrate,.....
6. The Settlement Officer,.....

A.K. Chakraborti
Special Secretary,
Board of Revenue, West Bengal and
(ex-officio), Jt. Secy. to the
Govt. of West Bengal, L. & L. R. Department.

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**Government of West Bengal
Office of the Board of Revenue, West Bengal
Section –A(I), GE-Branch**

No.7073 (16)-GE

Dated, Calcutta the 4th August, 1988.

To
The Collector, _____

Sub : Resumption of vested agricultural lands assigned to the Panchayat Samities and distribution thereof.

The undersigned is directed to refer to Land & Land Reforms Department's Notification No.476-L. Ref. dt. 19.6.87 and to state that vested agricultural lands free from injunction as on 31.3.87 have been assigned to the Panchayat Samitis or is in the process of such assignment. It has been reported to the Government that, out of the lands assigned, a sizeable area is fit for agriculture.

2. The undersigned is directed by order of the Governor to say that after careful consideration the Governor has been pleased to decide that the lands which have already been assigned and are fit for agriculture should be immediately resumed by the Collectors from the Panchayat Samities and that these lands, after such resumption, should be taken up for distribution under section 49(1) of the West Bengal Land Reforms Act, 1955, according to the procedure already laid down.

The Governor has further been pleased to decide that vested agricultural lands which already stand indentified as fit for agriculture but have not yet been assigned to the Panchayat Samities should also be taken up for distribution without such lands being assigned to Panchayat Samities. Lands not yet assigned but identified as unfit for agriculture should, however, be assigned to the Panchayat Samities.

3. The Collectors, are, therefore, requested to resume from the Panchayat Samities the assigned lands which are already identified as fit for agriculture and arrange for their

distribution. As regards the lands where such identification has not so far been made, joint inspection should be made by the J.L.R.O. and the Block Level Land Reforms Advisory Committee (Ban-O-Bhumi Sanskar Sthayee Samity of Panchayat Samity) to ascertain the character of such lands. On identification of such lands as fit for agriculture after joint inspection, those should also be resumed and taken up for distribution. Lands which will be identified as unfit for agriculture will, however continue to remain with the Panchayat Samities for management from their end.

4. It has also been decided that lands fit for agriculture which will be resumed from the Panchayat Samities will be distributed to eligible beneficiaries by the 31st August, 1988 at the latest. Vested agricultural lands fit for agriculture lying at the disposal for the Collector and agricultural lands which have already vested or will vest after 31.3.87 should be distributed as expeditiously as possible.

5. It should be remembered that Government attaches utmost priority to the distribution of vested agricultural lands which is the most important component of Land Reforms package. The Collectors are, therefore, requested to gear up their machinery and plan a time bound operational programme so that the target date fixed for distribution is maintained.

A.K. Chakraborty
Special Secretary, Board of Revenue
West Bengal & (ex-officio) Joint Secy.
to the Govt. of West Bengal,
Land and Land Reforms Department.

Memo. 7073/1(30)-GE

Copy forwarded to :
The Addl. District Magistrate (L.R), South 24-Parganas.

Dated, Calcutta
The 4/6th August, 1988

Sd/- Illegible
Assistant Secretary
Board of Revenue, West Bengal.

GOVERNMENT OF WEST BENGAL
Land and Land Reforms Department
Land Reforms Branch

NOTIFICATION

No.101-L.Ref.

Dated, 20th March, 1989.

In exercise of the power conferred by section 24 of the Darjeeling Gorkha Hill Council Act, 1988 (West Bengal Act XIII of 1988) read with section 62 of the West Bengal Land Reforms Act, 1955 (West Bengal Act X of 1956) the Governor is pleased hereby, to issue the following directions for the purpose of implementation of clause (i) of section 24 of the Darjeeling Gorkha Hill Council Act, 1988.

i) The Collector shall furnish to the Darjeeling Gorkha Hill Council (hereinafter referred to as the said Council) thanawise lists of all undistributed vested and khasmahal lands situated within the jurisdiction of the said Council which are not involved in any Court cases. Similarly, list of lands which will vest in the State in the future shall also be sent to the said Council immediately after vesting.

ii) The said Council shall prepare lists of allottees for settlement of vested and khasmahal lands with them as early as possible in accordance with provisions of section 49 of the West Bengal Lands Reforms Act, 1955 read with Rule 20A of the West Bengal Land Reforms Rules, 1965 and send the lists of allottees so prepared to the Collector for

settlement of the lands as per the said list. The said list shall specifically show the description of the land which is to be settled with each individual allottee.

iii) On receipt of the list of allottees from the said Council, the Collector shall examine the same, and, if it is found to have been prepared in accordance with the provisions of section 49 of the West Bengal Land Reforms Act, 1955 and Rule 20A of the West Bengal Land Reforms Rule, 1965, he shall settle the lands with the allottees strictly as per the said list and issue Pattas to them. Cases, if any, where provisions of section 49 of the West Bengal Land Reforms Act, 1955 have not been followed in selecting the allottees shall be referred back to the said Council with explanatory notes.

(iv) If a vested or khas land is required by the said Council for its own use or for community use, the said Council shall write to the Collector for settling the land with it mentioning therein the purpose for which the land will be used. The Collector shall settle the land with the said Council under Rule 20A(6) of the West Bengal Land Reforms Rules, 1965 after obtaining prior approval of the Board of Revenue as required under the said rules.

(v) If the said Council recommends allotment of any vested or khasmahal land to a tea garden, mill, factory or workshop, the Collector shall cause an enquiry and refer the matter to the Land & Land Reforms Department with the enquiry report and his comments for taking action under sub-section (2) of Section 14Z of the West Bengal Land Reforms Act, 1955.

(vi) All undistributed vested and khasmahal lands the list of which are furnished by the Collector to the said Council, shall be managed by the said Council till such lands are settled following the procedure mentioned in paragraph (i) to (v) hereinabove. The Govt. may resume any such vested or khasmahal land if required for public purpose.

(vii) Vested or khasmahal lands unfit for agriculture, if any, if already handed over to a Panchayat Samiti or to the Zilla Parishad for management or for community use, shall be resumed by the Collector unless already put to use and a list thereof shall be sent to the said Council for management and community use.

(viii) The Block Level Sthayee Committee, if there is any, for allotment of vested lands within the jurisdiction of the said Council shall stand abolished with immediate effect. The said Council shall decide through which agency selection of eligible allottees for the purpose of settlement of vested or khasmahal lands shall be made.

By Order of the Governor,
J. K. Kohli
Secretary to the Government
of West Bengal.

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GOVERNMENT OF WEST BENGAL
Office of the Board of Revenue, West Bengal
GE(M) – Branch.

No.526(2)-GE(M)

Dated : 18/22.1.90

To

- 1) The Collector, Darjeeling.**
- 2) District Land and Land Reforms Officer, Darjeeling.**

Sub : Procedure to be followed for long term settlement of non-agricultural land in the hilly sub-divisions of Darjeeling district.

With the promulgation of the Darjeeling Gorkha Hill Council Act, 1988, a question has arisen about the procedure to be followed for settlement of non-agricultural land with private individuals in the hilly sub-divisions of Darjeeling district.

The matter has been duly considered by the Govt. and it has been decided that the existing procedure, as envisaged in the West Bengal Land Management Manual, 1977, should be followed as usual in respect of long term settlement of non-agricultural land with private individuals. If, however, agricultural land is to be settled for non-agricultural purpose, the Collector should seek and recommendation of the Hill Council and then settle the land after obtaining the approval of the Board of Revenue.

This clarification issues in continuation of Govt. notification no.101-L. Ref. dated 20.3.89.

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

File No.70/90-GE

GOVERNMENT OF WEST BENGAL
Office of the Board of Revenue, West Bengal.
Section A(I), G.E. Branch.

Memo No.2749(16)-G.E.

Dated : Cal, the 3rd April, 1990.

From : Shri A.K. Chakrabarti, I.A.S.,
Special Secretary,
Board of Revenue, and ex-officio Joint Secretary,
to the Govt. of West Bengal, Land and Land Reforms Department,
Writers' Buildings, Calcutta - 700 001.

To : Collector

Sub : Proper utilisation of vested non-agricultural lands.

The undersigned is directed to say that a sizeable area of non-agricultural lands has vested in the State under the provisions of the West Bengal Estates Acquisition Act, 1953. For some time past, Government have been considering several proposals regarding mode of optimum utilisation of the vast area of vested lands. After careful consideration, Government have decided that these lands should be put to use for the following purposes :-

- i) Agriculture ;
- ii) Afforestation ;
- iii) Farm Forestry and allied use by individuals ;
- iv) Bona-fide non-agricultural use, and
- v) Community use such as social forestry and grazing ground etc.

2. In all the districts significant areas of lands which vested as non-agricultural have been converted into agricultural with the passage of time, or may be made fit for agriculture with a little improvement. It has been decided that detailed survey should be undertaken, jointly with the Panchayatiraj Institutions, for identification of such lands. Lands so identified should thereafter, be distributed to eligible beneficiaries under section 49(1) of the West Bengal Land Reforms Act according to existing procedure.

3. In almost all the districts, particularly in the districts of Purulia, Midnapore and Bankura, considerable areas of vested non-agricultural lands lie adjacent to forests. Augmentation of forest cover in the state being an imperative need, these lands should be made available to the Forest Department for afforestation and various other forest activities. It has, therefore, been decided that joint survey of such lands should be made jointly with the local Forest Officers to ascertain the blocks of lands that may be profitably utilized by the said Department. After lands found suitable have been

earmarked for the above purposes, the management of those lands should be transferred to the Forest Department in a phased manner. Management of land out of the earmarked pool should be transferred to the Forest Department depending upon the progress of actual afforestation and utilization. In the event any land so transferred is not utilized by the Forest Department, such land should be taken back for alternative use. The progress of joint survey and transfer of management of lands to the Forest Department should be monitored by the Collector jointly with the concerned Divisional Forest Officer.

4. There is scope for farm forestry particularly in the areas inhabited by persons belonging to Scheduled Castes and Scheduled Tribes. Vested non-agricultural lands lying in such areas should be surveyed jointly with the Panchayatiraj Institutions. Lands found suitable for farm forestry after survey should be distributed for such purposes to the eligible persons under section 49(1) of the W.B.L.R. Act, according to the existing procedure.

5. It is necessary that the Collectors earmark adequate area of non-agricultural lands for use of the different Govt. Departments, Housing, Industry, settlement with individuals and social organizations etc. Such lands should be earmarked after survey and the particulars thereof properly maintained so that those may be made available for the purposes indicated above according to need. Distribution of non-agricultural land for such purposes should be made in accordance with the existing procedure and instructions issued by the Board from time to time.

6. Management of land which is not required for agriculture, afforestation, farm forestry, allied use by individuals and bonafide non-agricultural use, may be entrusted to the Panchayatiraj institutions for community use such as for social forestry, grazing ground etc. If a Panchayatiraj institution requires land for any development purposes, management of such land may also be transferred to it for that purposes. Survey of land required for the purposes mentioned in this paragraph may be held jointly with the Panchayatiraj institutions.

7. All the Collectors are requested to undertake immediate survey of vested non-agricultural lands for the purposes enumerated in the foregoing paragraphs. The entire exercise will have to be completed within 3 months. Collectors are, therefore, requested to personally oversee and monitor the work so that it is completed within the above time frame.

8. Lands identified as fit for agriculture or farm forestry should be distributed u/s. 49(1) of the W.B.L.R. Act to eligible persons as soon as such lands are so identified after joint survey. Transfer of management of land to the Forest Department and the Panchayatiraj institutions as envisaged in paragraphs 3 and 6 should be made after obtaining prior clearance of the Board.

9. Government attach the highest importance and priority to proper utilisation of the vested non-agricultural lands which have so far been lying largely unutilised. Efforts should therefore, be made at all levels to ensure that such lands are put to maximum use possible having regard to their class and quality and other aspects and that this exercise is completed at the earliest.

10. A report on progress achieved in a month should be sent to the Board in the proforma enclosed by the 10th of the following month.

A.K. Chakraborti
Special Secretary
Board of Revenue, West Bengal,
& (ex-Officio) Jt. Secretary to the Govt. of
West Bengal, Land and Land Reforms Department.

Memo No. 2749/1(24)-G.E.

Copy with a copy of the proforma forwarded to the :-

- 1) Land and Land Reforms Department.
- 2) Forest Department.
- 3) Panchayat Department.
- 4) Commissioner,.....Division.....
- 5) Director of Land Records & Surveys, West Bengal.
- 6) District Land and Land Reforms Officer,

Calcutta,
The 3rd April, 1990.

A.K. Chakraborti
Special Secretary,
Board of Revenue, West Bengal.

●

**GOVERNMENT OF WEST BENGAL
OFFICE OF THE BOARD OF REVENUE, WEST BENGAL
WRITERS' BUILDINGS, CALCUTTA-1**

Memo. No. $\frac{9404(37)-GE(M)}{I/Panch/3C-E/90}$

Dated, Calcutta, the $\frac{6^{th}}{16^{th}}$ September, 1990

From : K. P. Sandilya
Special Officer & (Ex-officio) Secretary.

To :

- 1) **Commissioner.....**
- 2) **Director of Land Records and Surveys and Joint Land Reforms Commissioner, West Bengal.**
- 3) **Collector**
- 4) **District Land and Land Reforms Officer,**

Vested tanks and ferries, with some exceptions, were handed over to Panchayat Institutions by Board of Revenue's Order No.2634(15)-GE(M) dated 7.3.80. Melas and other sairati interests were also handed over to Panchayat Institutions in terms of Board's Orders No.681(18)-GE(M) dated 24.1.80 and 3868(18)-GE(M) dated 14/17.03.1980.

2. While handing over the above properties and interests, it was stipulated that they would be directly managed by the Panchayat Institutions. However, settlement of tanks by Panchayat Institutions was permitted in exceptional circumstances.

3. The Committee on Panchayats of the West Bengal Legislative Assembly placed their report in the Assembly on 20.04.1990. The Committee recommended, inter alia, that sairati interests handed over to Panchayat Institutions should be managed by them directly.

4. After careful consideration of the recommendations of the Committee, it has been decided that sairati interests handed over to Panchayat Institutions should be managed by them directly, subject to exceptions provided for paragraph 3 of Board of Revenue's Memo. No.15457-GE(M) dated 15.10.80 and paragraph 4 of Board of Revenue's Memo No.2634(15)-GE(M) dated 7.3.79. It is emphasized that settlement of the interests by Panchayat Institutions should be the exception rather than the rule and only when direct management is not physically possible.

5. Settlement of part-vested water areas may, however, be made in favour of co-owners.

6. Copies of the previous orders of Board of Revenue in this respect are enclosed for convenience.

K.P. Sandilya
Special Officer & (Ex-Officio)
Secretary,
Board of Revenue, west Bengal.

●

**GOVERNMENT OF WEST BENGAL
OFFICE OF THE BOARD OF REVENUE, WEST BENGAL
SECTION -A(II) : C & S - BRANCH**

Memo.No.11195(11)-C & S.

Dated, Calcutta, the 7th December,'90

To
The Collector,
.....

The undersigned is directed to say that the Khas-managed Hats and Bazars situated in your district (if any) were required to be transferred to Panchayat Bodies for their management and control, as per Board of Revenue Memo. No.681(18)-GE(M) dated 24.1.80 and 3546(18)-GE(M) dated 10.3.80. It is requested that these hats may immediately be transferred to the Panchayat Institutions in terms of Board's Orders referred to above, if not already done.

K.P. Sandilya
Special Officer & (Ex-officio)
Secretary,
Board of Revenue, West Bengal.

Memo. No. 11195(21)-C & S.

Copy forwarded to :

- 1) District Land and Land Reforms Officer,
- 2) Commissioner.....Division for information.
- 3) Director of Land Records & Surveys, West Bengal for information.

Dated, Calcutta,
The 7th December, 1990.

K.P. Sandilya
Special Officer & (Ex-officio)
Secretary,
Board of Revenue, West Bengal.

●

Copy of No. 2370(17)-GE/70/91 Dated, Calcutta, the 25th March, 2/4/1991 from Office of the Board of Revenue, West Bengal, Section-A(I) : 'GE' Branch to The District Land & Land Reforms Officer,

Sub : Distribution of vested non-Agricultural lands converted into agricultural.

A reference is invited to para 2 of Board's Memo. No.2749(16)-GE dated 3.4.90 wherein it has been envisaged that vested non-agricultural lands found fit for agriculture after joint survey should be distributed to the eligible beneficiaries under section 49(1) of the W.B. Land Reforms Act, according to the existing procedure. From reports received from the districts it appears that such lands have been identified and that these have either been distributed or are in the process of distribution.

2. These lands form an altogether separate category as distinct from lands which vested as agricultural lands and are being distributed. It is therefore, necessary that a separate account of such lands is maintained so that in future there is no difficulty in reconciling the figures relating total land distributed vis-à-vis the total land vested. It has accordingly been decided that a separate register which will be styled as "Register of Vested Non-Agricultural lands converted into agricultural" and numbered as "Register VIII (Part-v) should be opened and maintained. A copy of the format in which the register should be maintained is enclosed.

2.(i) As soon as the particulars of a plot (with new agricultural classification) are entered into the above register, an appropriate note should be kept in the relevant part of the Register-VIII in which the plot (with previous non-agri. classification) occurs. The existing entries in this register should not, however, be deleted for the present.

3.(i) As the classification of the lands which are identified as fit for agriculture has changed, it will be necessary to incorporate the new classification in the R.O.Rs. This should be done in the available stage under any appropriate Section of the W.B. Land Reforms Act after opening a mouza-wise proceeding. It is necessary to invoke the provisions of section 4C of the Act for the purpose.

3.(ii) Classification of vested non-agricultural lands which have already been distributed as agricultural should also be changed and the new classification recorded in the R.O.Rs. according to the procedure indicated in para 3.(i) above.

4.(i) The need for proper maintenance of the register should be impressed upon all concerned.

4.(ii) The Inspecting officers should, in course of their routine visits to the offices of the Block Land & Land Reforms Officer, check and ensure that the register is maintained upto-date.

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

Register VIII (Part V)

Register of vested non-agricultural lands converted into agricultural

Name of Mouza _____

J.L. No. _____

Sl.No.	Khatian No.	Plot No.	Area	Old Classification (Non - agricultural)	New Classification (agricultural)	Area distributed with Settlement Case No.	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)

_____ • _____

GOVERNMENT OF WEST BENGAL
OFFICE OF THE BOARD OF REVENUE, WEST BENGAL
SECTION : A(I) , BRANCH : GE.

No. 2380(17)-GE/70/90-GE

Dated, Calcutta the 25th March, / 11th April, 1991

From : A.K. Chakraborti,
S. O & Secretary,
Board of Revenue,
West Bengal.

To
The District Land & Land Reforms Officer,
.....

Subject : Proper utilization of vested non-agricultural Lands.

A reference is invited to Board's Memo No.2749(16)-GE dated 03.04.1990 in which certain guidelines were issued for survey of different categories of vested non-agri. lands.

It has been observed that monthly report on the progress of the survey in the proforma prescribed by the Board of Revenue is not being regularly submitted by the districts. Some of the districts have not at all furnished any report since the issue of Board's instruction. As a result, monitoring of the progress of this important item of work at the Board's end has become very difficult.

He is requested to see that the monthly report showing the progress of work is regularly sent to the Board in the prescribed proforma. In case of districts where not a single report has been furnished so far, a consolidated report showing the progress of work upto the month of report should be sent. Thereafter, monthly reports should be sent as usual. In regard to the districts where reports had been sent but subsequently suspended, all pending reports on monthly basis should be sent immediately. It is reiterated that in the monthly reports performance in respect of the both of report only should be indicated.

The Board of Revenue attaches high priority to survey of non-agricultural lands. It is therefore, requested that the reports on the progress of this item of work should be regularly furnished to the Board.

A copy of the proforma, already circulated before, is enclosed for convenience.

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

No.2380/1(17)-GE.

Dated, Calcutta, the 25th March, 1991.

Copy forwarded for information to the :
1.D.L.R.S., West Bengal.
2.The Collector _____

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

GOVERNMENT OF WEST BENGAL
Office of the Board of Revenue, West Bengal,
Section –AI, G.E. Branch.

No.3192(17)-G.E.

Calcutta, the 22nd/30th April, 1991

To
The District Land & Land Reforms Officer,
.....

Sub : Distribution of vested non-agricultural lands converted into agricultural.

Ref : Board's Memo. No.2370(17)-G.E. dated 25.03.1991.

A reference is invited to para 2 of the memo. mentioned above. It was envisaged therein that a new Register styled "Register of vested non-agricultural lands converted into agricultural" and numbered "Register VIII (Part-V)" should be opened. It has now been decided by the Board that the Register to be opened should **not** be a part of Register VIII. Therefore, no number as instructed earlier, should be assigned to it. It should be an altogether separate register under the name "Register of vested non-agricultural lands converted into agricultural" and maintained as such.

2. In the last sentence of para 3 of the memo. under reference, a typographical mistake has occurred. The word "not" was not typed between the words "is" and "necessary" in the above sentence. The sentence should, therefore, be read as "It is not necessary to invoke the provisions of Section 4C of the Act for the purpose".

3. This may please be brought to the notice of all concerned.

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

●

GOVERNMENT OF WEST BENGAL
Office of the Board of Revenue, West Bengal
Section A. III, GE(M) Br.

No. $\frac{5672(16)-GE(M)}{182/87}$

Dated, Cal. the $\frac{23^{rd}}{27^{th}}$ August, 1991.

To
The District Land & Land Reforms Officer,
.....

Subject : Execution of lease deed with the Regulated Market Committee for the Hats & Markets transferred to them.

With reference to the subject mentioned above the undersigned is directed to send herewith a copy of approved lease form with the request to take immediate action to execute lease deed with the concerned Regulated Market Committee. As for the issue of 25% remission in the economic rent payable by the Regulated Market Committee for the Hats and Bazars transferred to them, necessary Govt. order in this respect will be issued shortly. In the meantime he is requested to take steps for execution of the lease so that revenue from the Regulated Market Committee both arrear and current – can be realised without avoidable delay.

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

**Government of West Bengal
Office of the Board of Revenue, West Bengal,
Section A (III), GE(M) – Branch.**

Memo No. 8372-GE(M)
18/89

Dated : Cal, the 19th December, 1991

M E M O

Sub : Proposal for grant of rebate on the lease rent to be realised from the Regulated Market Committees for the hats & bazars handed over to them.

Some selected Govt. hats & bazars were leased out with the Regulated Market Committees in the different districts on certain terms and conditions in terms of Order No.7510(18)-GE(M) dated 22.5.80 of the Board of Revenue, West Bengal.

Subsequently the Agriculture Department of this Govt. came up with the proposal for allowing 25% rebate on the economic rent to be fixed for each hat and bazar.

In the circumstances stated the Board of Revenue, West Bengal, after careful consideration of all aspects of the proposal, has decided to allow 25% rebate on the economic lease rent fixed on the basis of average of three preceding years' rent payable by the Regulated Market Committees for the hats and bazars already transferred or to be transferred to them.

This issues with the concurrence of the Finance Department vide their u/o. No. 606 dated 9.4.91.

A.B. Ghosh
Assistant Secretary
Board of Revenue, West Bengal.

Memo.No. 8373 (39)-GE(M)

Copy forwarded for information and taking necessary action to :-

- I) The Commissioner, _____
- II) The Collector, _____
- III) The District Land and Land Reforms Officer,
The arrears of rent etc. may now be realized early under intimation to the Board of Revenue.
- IV) The Agriculture (Marketing) Department of this Govt.
- V) The Finance Department of this Govt.

Calcutta,
The 19th December, 1991.

A.B. Ghosh
Assistant Secretary,
Board of Revenue, West Bengal.

●
**GOVERNMENT OF WEST BENGAL
Office of the Board of Revenue, West Bengal
Section – A(V) : PAC-Branch.**

No.809-PAC.

Dated, Calcutta, the 28th January, 1992.

From : D. Goswami,
Officer on Special Duty, Board of Revenue, West Bengal & (Ex-Officio) Jt. Secretary,
Land & Land Reforms Department.

**To
The Secretary,
Agriculture (Marketing) Department.**

Sub : 25% rebate on economic lease rent of Regulated Market Committees.

Enclosed is a copy of Board's Memo No.8372-GE(M) dated 19.12.1991 which speaks for itself. The Public Accounts Committee has been purusing the Board of Revenue, West

Bengal for realization of arrear dues from the Regulated Market Committees in different districts, who have not been paying the same inspite of vigorous pursuation. Now the 25% rebate on economic lease rent having been allowed by the Govt. (Vide enclosed Memo. No.8372-GE(M) dated 19.12.1991), the undersigned is directed to request him kindly to advise all the Regulated Market Committees in different districts to pay off their dues to the Board so that a positive reply in the matter can be furnished to the P.A. Committee.

D. Goswami
Officer on Special Duty,
Board of Revenue, West Bengal &
(ex-officio) Jt. Secretary, Land and Land
Reforms Departments.

No.809/1(36)-PAC.

Copy alongwith a copy of Board's memo. No.8372-GE (M) dated 19.12.1991 forwarded for information and necessary action to :-

- 1) Divisional Commissioner, _____
- 2) Collector, _____
- 3) District Land & Land Reforms Officer,

He/She is requested to make all possible efforts for immediate realization of dues from RMCs and report development to the Board for placing before the P.A. Committee.

D. Goswami
Officer on Special Duty,
Board of Revenue, West Bengal &
(ex-officio) Jt. Secretary, Land and Land
Reforms Departments.

Dated, Calcutta,
The 28th January, 1992.

**GOVERNMENT OF WEST BENGAL
OFFICE OF THE BOARD OF REVENUE, WEST BENGAL,
SECTION -A(I) : BRANCH - G.E.**

Memo No. 2568(17)-GE
70/91

Dated, Calcutta, the 25th
31st March, 1992

To
The District Land & Land Reforms Officer,
.....

Sub : Distribution of vested non-agricultural land having easement right recorded in R.O.Rs. and subsequently converted to agriculture in course of time.

It has been reported to the Board that a number of plots of non-agricultural lands recorded in the R.S., R.O.Rs. as khal, Rasta, Smashan, Kabarsthan, Mandir etc., having easement rights but already converted into agricultural lands and being enjoyed as such by individuals in different districts. There is no legal bar to distribute these lands if these are no longer used by the public for the purpose as recorded in the R.O.Rs. Board's Memo No.2749(16)-GE dated 3.4.90 and 2370(17)-GE dated 25.3.91 may be referred to in this regard.

But distribution of such land at least in a few cases may appear to be locally sensitive. Hence it has been decided by the Board that approval of the D.L.&L.R.O. should be taken before distribution of such lands. The District Land and Land Reforms Officer should take the final decision about distribution of such lands keeping in view the nature of sensitivity in each individual case.

All field officers should be informed accordingly.

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

Memo No. $\frac{2568/1(21)-GE}{70/91}$

Dated 25th/31st 03.92

Copy forwarded for information to :

- 1-2. *** *** *** ***
3. Collector,
4. *** *** *** ***

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

————— ● —————
Government of West Bengal
Office of the Board of Revenue, West Bengal
Section – A(II) : GE(M) – Branch.

No. $\frac{2507(35)-GE(M)}{72/93}$

Dated, Calcutta, the $\frac{21^{\text{st}}}{30^{\text{th}}}$ April, 1993

To :

- 1) The District Magistrate & Collector.....**
2) The District Land & Land Reforms Officer.....

Sub : Settlement of non-agricultural land and Sairati interest – measures to be taken to augment Government revenue.

The undersigned is directed to state that one of the sources of revenue is settlement of non-agricultural land both in the short term and in the long term. Realization on this account is, however, very low per year vis-à-vis the quantum of such land (including khasmahal lands and recently alluviated char lands) available. The realization from Sairati interests is also very unsatisfactory. In view of the acute financial position of the State the need to augment Government revenue has assumed great importance. So after careful consideration, it has been decided by Board of Revenue to adopt and follow the following measures:-

- (1) Every piece of non-agricultural land should be surveyed for identification of possessors if any.
- (2) If the land is free from encroachment, steps should be taken for its settlement in the manner laid down in the West Bengal Land Reforms Manual, unless the land is required to be reserved for a public purpose.
- (3) If there is a possessor, unless the land is required to be earmarked for a public purpose the person in possession, if he is not undesirable for some reasons, may be approached to apply for long term settlement. If it is decided not to offer the land on long term Settlement to that person for valid reasons, or if he is unwilling to apply for long term settlement, steps should be taken for his eviction.
- (4) After such eviction the land should be offered for long-term settlement in the usual manner, unless it is required for a public purpose.

- (5) All cases of short-term and long-term settlement, the periods of which are already over or about to be over, should be scrutinized for long-term settlement or renewal of such long term settlement, as the case may be, in the manner laid down in the West Bengal Land Reforms Manual.
- (6) Proposals for settlement of water areas should be mooted sufficiently in advance and the Divisional Commissioners should send the proposal with their views at least two months before the start of the proposed settlement. Care should be taken that no water area not handed over to the Panhayats remain without settlement in any single year.

Periodical reports regarding the actions taken or proposed to be taken in pursuance of these instructions may be sent to Board of Revenue for assessing the performance.

Targets for collection against these items would be fixed later.

Sd/- Illegible.
Secretary,
Board of Revenue, West Bengal.

————— • —————
GOVERNMENT OF WEST BENGAL
Office of the Board of Revenue, West Bengal.
Section – A.III, GE(M) Br.

No. 6527(22)-GE(M)
89/89

Dated, Cal. the 26th October, 1994.

To

- 1) **The Land & Land Reforms Deptt.**
2) **The Commissioner, _____ Division,**
3) **The Collector,**

The undersigned is directed to say that it has been decided by the Board of Revenue, West Bengal that henceforth permissive possession of any land or sairati interest should not be given to any Municipality/local body without prior approval of the Board of Revenue, West Bengal, or of the Land & Land Reforms Department of this Government.

2. All Collectors are requested to acknowledge receipt of this memorandum.

K.L. Mukhopadhyay
Special officer & (ex-Officio)
Secretary,
Board of Revenue, West Bengal.

Memo No.6527/1(18)-GE(M)

Copy forwarded for information and necessary action to the District Land & Land Reforms Officer, _____

Dated, Calcutta
The 26th October, 1994.

K.L. Mukhopadhyay
Special officer & (ex-officio)
Secretary,
Board of Revenue, West Bengal.

GOVERNMENT OF WEST BENGAL
Land and Land Reforms Department
Writers' Buildings, Calcutta - 1

Memo No. 5166-GE(M)
229/98

Dated, Cal. the 3rd August, 1999

To
The District Land & Land Reforms Officer, Hooghly
Jiban Paul's Garden,
P.O. & Dist. Hooghly.

Sub : Long Term Settlement of Khas Mahal Land measuring 3.2005 acres in Moua-Chandernagar, J.L. No.1, Plot No.42 with the Chairman, Chandernagar, Hooghly.

The undersigned is directed to refer to his endorsement No.XII/15/957/S/98, dated 11.08.1998 on the subject noted above and to state that the cesses and surcharges are not leviable on any immovable property in any area within the limit of any Municipality or Municipal Corporation.

He is, therefore, requested not to charge any cess for settlement of land in question with the Chandernagar Municipal Corporation.

Sd/- Illegible
O.S.D. & Dy. Secretary
Land and Land Reforms Department.

No. 5166/1-GE(M)

Date : 3.8.99

Copy forwarded for information and necessary action to Mayor, Chandernagore Municipal Corporation, P.O. Chandernagore, Dist. Hooghly. This has a reference to his letter No.1A/III/98/05 dt. 10.12.98.

Sd/- Illegible
O.S.D. & Dy. Secretary.
Land and Land Reforms Department.

●

GOVERNMENT OF WEST BENGAL
Land and Land Reforms Department
Section - AII, Branch - M&M

No. 6848-M&M
31/96

Dated, Calcutta, the 11.12.2000.

CIRCULAR

Traditionally no cess or surcharge used to be realized from the lease of non-agricultural land and sairati interest (viz. fisheries, ferries, hats etc). The concerned Registers maintained for the purposes also do not have any column for either demand or collection of cesses from such leases. But on the basis of observation of Comptroller & Auditor General of India in 1991-1992, the Board of Revenue in its Order No.6267(18)-M&M dated, Cal. the 2nd November, 1993 issued a circular directing that cess and surcharge should be assessed and realized on Sairati interest as well as on non-agricultural land leased out by Government.

Recently, in a case No.O.A. 18 of 1999 (LRTT) arising out of W.P. No.1182 (W) of 1999 - Muchia Fishermen's Co-operative Society Ltd. and other -vs. the State of West

Bengal and Ors. – the Hon'ble West Bengal Land Reforms and Tenancy Tribunal has ruled that the collection of cesses and surcharge from such leases is contrary to the provisions of law and beyond the competence of the Govt. The para 14 and 15 of the Hon'ble LRTT's order are reproduced below.

“14. It is, therefore, clear that what was to be included in the list of cess-paying land is agricultural land producing or capable of producing crops. Land which was not culturable was not to be considered cess-paying and to be included in the list of cess-free land.

15. Government granted lease of unculturable land only for non-agricultural purpose. Hats were held on unculturable lands. Fishing rights were let out on khals or rivers or Beels consisting of marshes and unculturable land and ferries on khals and rivers. Therefore, the lands leased out for non-agricultural purposes and sairati interests were cess-free. The provisions of Section 5 of the Cess Act regarding the liability of all immovable property to pay cesses has to be read with the provisions of Chapter VIIA and the scheme of the Act to avoid misconception. This is the legal position about the levy of cess on lands.”

After careful consideration the Govt. in the Land & Land Reforms Department have decided to comply with the order of the Hon'ble LRTT by rescinding order of Board of Revenue as mentioned above.

Accordingly, I am directed to say that the order no.6267 (18) M&M dated Cal. the 2nd November, 1993 stands withdrawn with immediate effect. I am directed further to say that in terms of para 9 of the judgement of the Hon'ble West Bengal LRTT there shall not be any refund of the cesses collected in pursuance of the BOR order till the date of this circular. Any cess or surcharge which is in the process of collection shall also not be collected with effect from the date of issue of this circular.

P. Banerjee.
Joint Secretary to the
Govt. of West Bengal.
Land & Land Reforms Department.

No.6848/1(40)-M&M

Dated : 11.12.2000

Copy forwarded to the :_

1. Director of Land Records & Surveys & Jt. Land Reforms Commissioner, West Bengal.
2. Dist. Land & Land Reforms Officer, _____
3. Dist. Magistrate & Collector,.....
4. Divisional Commissioner, _____
5. Accountant General (Audit-), West Bengal, for information and necessary action.

Sd/- Illegible
O.S.D. & Deputy Secretary,
Land & Land Reforms Department.

●
Land & Land Reforms Department
Section LR (AI)-I, Branch-IS

No.2210-IS/381/2000-IS.

Dated, Cal. the 29th March, 2001.

MEMORANDUM

It has come to the notice of the Government that a confusion has arisen as to who will realize the usufruct of the produce viz. trees, either grown in the natural way or

planted under different social development schemes implemented by Panchayatiraj Institutions, on the vested land, unfit for agriculture and used as roads/paths of the villages, the Land & Land Reforms Department being the owner of all such vested lands or the Panchayatiraj Institution responsible for management and maintenance of all such lands under Section 42 of the West Bengal Panchayat Act, 1973.

After careful consideration of the entire gamut of the issue the Government in the Land and Land Reforms Department has decided that the concerned Panchayatiraj Institution will realize and utilize the usufruct of the produce i.e. the trees or its sale proceed already in existence by way of natural growth or planted under different social development schemes implemented by the Panchayatiraj Institutions, on the vested lands used as village roads/paths, if the trees are uprooted in storm or otherwise, or require to be fell down for any reason, whatsoever.

However, the Panchayatiraj Institutions are not permitted to settle or use the land in any manner with any individual and/or institutions, and put the land into long term utilization.

This circular applies to the Municipal areas mutadis and mutandis.

This order will take immediate effect.

P. Bandyopadhyay
Speial Secretary,
Land and Land Reforms Department
Govt. of West Bengal.

Memo No.2210/1(41)-IS/381/2000/IS. Dated, Calcutta, the 29th/30th March, 2001.

Copy forwarded for information and necessary action to :-

1. The Director of Land Records & Surveys, West Bengal & Joint Land Reforms Commissioner, West Bengal, 35, Gopalnagar Road, Kolkata – 700 027 with reference to his no.25/5261/C/00 dated 5.9.2000.
- 2 to 6.....

Sd/- Illegible
Deputy Secretary
Land & Land Reforms Department
Govt. of West Bengal.

————— ● —————
GOVERNMENT OF WEST BENGAL
Office of the Director of Land Records & Surveys
& Joint Land Reforms Commissioner, West Bengal
35, Gopalnagar Road, Alipore, Kolkata – 700 027.

Memo.No.33/2281/C/2001.

Dated, Alipore, the 11th June, 2001.

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

To
The District Land & Land Reforms Officer,
Cooch Bihar.

Sub : Settlement of Jalkars/Part-vested Tanks.

Ref : This Office Memo No.33/482-499/C/2001 dt. 5.2.2001.

A question has been raised by Assistant Director, Fisheries, Coochbehar alleging steep rise of Jalkar rent in Coochbehar for the year 1408 B.S. The response could be anticipated as the rent remained static for years and any efforts to set things updated

may be resisted. A reference had been made to the Director of Fisheries by D.O. No.33/481/C/2001 dated 5.2.2001 but no response has been received from them for reasons best known.

Pursuant to Circular No.1170-FD of the Finance Department dated 27.07.1999 the increased rent & revenue from Jalkars etc. must be at least twice the figures existing as on 1999-2000 by the year 2002-2003.

This charge would not be a substantial charge from the customary rates as the economic rent fixed previously was in consultation with the District Fisheries Officer before the Integration of both the Land Reforms Wings in 1989. Hence it should be ensured that the revenue from Jalkars of other waterareas would be at least twice the revenue presently being obtained.

Regarding the period of settlement, he is requested to make settlement not exceeding three years at a time notwithstanding the provisions of Rule 275 of W.B.L.R. Manual, 1991.

Finally, he is requested to strictly adhere to Rule 278 of the Manual regarding Financial Limits of settlement of Jalkars and other water areas.

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

Memo. No.33/2282-98/C/2001.

Dated, Alipore, the $\frac{11^{\text{th}}}{21^{\text{st}}}$ June, 2001

Copy forwarded to the :-

1. The District Land & Land Reforms Officer,
for information and necessary action.

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

Registered No.WB/SC-247.

No.WB(Part-I)/2001/SAR-423

**The Kolkata Gazette
Extraordinary
Published by Authority**

AGRAHAYANA 19]

MONDAY, DECEMBER 10, 2001

[SAKA 1923

PART I- Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

**GOVERNMENT OF WEST BENGAL
LAND AND LAND REFORMS DEPARTMENT
LAND REFORMS BRANCH**

NOTIFICATION

No.4650-L.Ref./IF-20/01 GE(M),

Kolkata, the 10th December,2001

In exercise of the power conferred by section 60 of the West Bengal Land Reforms Act, 1955 (West Bengal Act X of 1956), the Governor is pleased hereby to make, after previous publication as required by sub-section (1) of the said section, the following amendments in the West Bengal Land and Land Reforms Manual, 1991 as subsequently amended (hereinafter referred to as the said Rules), namely :-

Amendments

In the said Rules,-

- (1) after rule 246, insert the following :-

“246A. The Government should not ordinarily manage any hat, market or bazar. Such interests lying at the disposal of the Government shall be settled by the District Land & Land Reforms Officer by auction among the co-operative societies or partnership firms formed in accordance with the provision of Rule 266A. As and when lease of a hat, market or bazar expires, the same should be settled with such co-operative societies or partnership firms as is suitable.”
- (2) for rule 247, substitute the following :-

“247. Occasion of establishment of a new hat, market or bazar on Government land should be extremely rare. However, if there is a need for such establishment, the District Land & Land Reforms Officer may select the site and send proposal to the Land & Land Reforms Department through the Divisional Commissioner. After the proposal is approved, the District Land & Land Reforms Officer will settle the hat, market or bazar by auction among the co-operative societies and partnership firms as are to be formed in accordance with the provision of rule 266A with preference to co-operative societies.”
- (3) for clause (a) of rule 248, substitute the following :-

“(a) Lease rents when the hat is leased out to a co-operative society or partnership firm.”;
- (4) omit rule 249 ;
- (5) in rule 250,-
 - (i) for clause (a), substitute the following :-

“(a) The settlement shall be for a period of three years and on expiration of the said period the settlee shall be entitled to the option of successive renewals for the same period if other conditions are then fulfilled.”;
 - (ii) in clause (c), for the word “Ijaradar”, substitute the word “Settlee”, and
 - (iii) in clause (f), for the word “Ijaradar”, substitute the word “Settlee”;
- (6) in rule 251.-
 - (i) for the words “Ijara settlement”, substitute the words “a settlement,” and
 - (ii) for the words “settlements on Ijara”, substitute the words “such settlements”;
- (7) for rule 252, substitute the following :-

“252. If there be any shop constructed by Government in a hat or market, it may be licensed with the land on which it stands. In granting such license preference should be given to a co-operative society or partnership firm. Most of the shops are already on license with private. As soon as such license expires or a new shop is constructed, fresh or new license should be granted to such co-operative societies or partnership firms so formed with principle laid down in rule 266A.”;
- (8) for rule 254, substitute the following :-

“254. Subletting of license or lease is strictly prohibited and if any licensee or lessee sublets his lease or license, such lease or license is liable to be cancelled.”;
- (9) for rule 255, substitute the following :-

“255. The licenses are not transferable except on account of succession or inheritance. In absence of succession or inheritance or on account of inability of any licensee to run the business, transfer may be allowed only in favour of co-operative societies of educated unemployed youths or partnership firms formed as per principle laid down in rule 266A with preference to co-operative society.”;
- (10) for rule 266, substitute the following :-

“266. Land and interests belonging to or at the disposal of the State Government includes the following :-

 - (a) Tank, Tank-Fishery, Fishery, Riverine-Fishery, Flowing River, Hat, Bazar, Ferries, Tolls and other Sairati and Khutagari interests ;
 - (b) Mango, Lichi and other Falkars, if any;
 - (c) Jalkars, Canals, Dead rivers and Water enclosures ;
 - (d) Quarry sand, Ordinary clay, Brick earth, Morrum, Stone, Tile earth, China clay, etc.

Management of ferries, fisheries each with water area up to 5 acres, tanks each with water area up to 5 acres and other Khutagari interests have been transferred to Panchayats by an order of the Board of Revenue, West Bengal with the following exceptions :-

- (i) Rivers;
- (ii) Big water areas (above 5 acres);
- (iii) Riverine fisheries ;
- (iv) Part vested water areas ;
- (v) Ferries declared as public ferries under the Bengal Ferries Act, 1885; and
- (vi) Where the Panchayat cannot conveniently take over management of the same.

The other items as in (b), (c) and (d) above are exclusively under the management of the Collector with exception that some of them described therein might have been transferred to some concerned Government Departments or Semi-Government Organisation.”;

(11) after rule 266, insert the following :-

“266A. In keeping with the declared policy of the State Government to generate maximum self-employment through optimum use of resources at its disposal, it is decided that all kinds of assets excepting water area viz. fisheries, tank-fisheries, tanks etc. as stated in the preceding rule will be settled with co-operative societies or partnership firms of the local educated unemployed youth, such societies or firms forming with minimum three (3) members at least two of whom should belong to the family living Below Poverty Line (BPL) and one (1) may be the youth of a Non-Below Poverty Line (Non-BPL). In all cases the ratio of BPL and Non-BPL youths should be approximately at 2:1 ratio. It will be better appreciated if the ratio is made more skewed in favour of youths coming from BPL families. At least thirty (30) per cent members of such co-operative society or partnership firm should have minimum academic qualification of Madhyamik or equivalent :

Provided that in case, adequate number of local unemployed youths belonging to the family living Below Poverty Line are not available or do not forthcoming, youths Double Below Poverty Line (DBPL), may be allowed to be member of such co-operative society or partnership firm to meet the deficit of youths of BPL group. Efforts should, however, always be made to find out the youths living below Poverty Line and the youths Double Below Poverty Line should only come second in the priority.

Explanation – Persons whose family income is below Rs.15,976/- per annum in rural areas and Rs.21,206/- per annum in urban areas shall be considered to be Below Poverty Line (BPL), and those with family income below Rs.31,952/- per annum in rural areas and Rs.42,412/- per annum in urban areas respectively shall be considered to be Double Below Poverty Line (DBPL). The definition so given in this Explanation is subject to changes to be effected from time to time by the Panchayat and Rural Development Department. The District Land and Land Reforms Officer will accept the changes as and when such changes are made by the Panchayat and Rural Development Department.

266B. Whenever the Block Land and Land Reforms Officer/Sub-Divisional Land and Land Reforms Officer/District Land and Land Reforms Officer puts any interest in auction, it will be mentioned in the notification that the co-operative society or partnership firm of the nature as stated in rule 266A will get priority over others. The Department of Co-operation is being moved to suitably amend the West Bengal Co-operative Societies Act to reduce the minimum number of members for forming a society to three (3). Until such amendment the partnership firm of the nature as stated in rule 266A will be treated at par with registered co-operative society for the purpose of selection in auction. Requisite number of co-operative societies/partnership firms for production, trade and business shall be formed in each Block depending upon the availability of leaseable interests. Being custodian of data regarding families Below Poverty

Line, Block Development Officer with the help of Co-operative Inspector of his Block will be the appropriate authority for organizing formation of such co-operative societies/partnership firms. It is desirable that such co-operative societies/partnership firms should be formed in advance and kept in waiting so that they can participate in any auction in right time.

For big sairati interests excepting water areas viz. fisheries, tank-fisheries, tanks etc. and quarries of any kind, co-operative societies in reasonable number depending upon the number and size of such interests shall be formed with BPL and Non-BPL members being of the ratio of approximately 2:1. In this case also, the Block Development Officer of the Block with the advice of Sabhapati of the Block Panchayat Samity and active assistance of the Block Co-operative Inspector will help to form the co-operative society. The Block Land and Land Reforms Officer will also make his services available to the Block Development Officer for the purpose.

266C. The tanks and other interests transferred to Panchayats shall be leased out to the functional Primary Fishermen's Co-operative Societies or Fish Production Group in the manner as laid down in rule 272. The Panchayat must not lease out the same to any individual. Lease given to individuals shall not be renewed after expiration of the lease and settlement shall be made with functional local Primary Fishermen's Co-operative Society or Fish Production Group as may be suitable according to the size of the water area.”;

(12) for rule 267, substitute the following :-

“267. The following rules in this Chapter relate to such fisheries/jalkars which have not been handed over to the Panchayats,”;

(13) for rule 268, substitute the following :-

“268. The flowing/tidal rivers are wealth of nature and should be kept free for enjoyment of general public. It is therefore expedient not to grant exclusive rights to these to any co-operative society or partnership firm or group of individuals or an individual to the exclusion of the general public. As soon as lease on any flowing river expires, the same should be kept free for enjoyment by members of general public.”;

(14) for rule 270, substitute the following :-

“270. An ‘adjunct’ means waters associated with a river fishery in such manner as to be in continuous connection with the river throughout the year, including dry season. When such perennial connection ceases, the water cease to be an ‘adjunct’ and become a dead river. There are dead canals also in different areas. Such dead river/dead canal should be settled with functional local fishermen's co-operative society or in absence of such society with the Fish Production Group in the locality. No lease for any ‘adjunct’ should be granted if it causes or is likely to cause disturbance to the flow of river. Lease may, however, be granted on obtaining clearance from the concerned district/state level officials of the Irrigation and Waterways Department.”;

(15) in rule 272.-

(a) for clause (i), substitute the following :-

“(i) the Government fisheries should not be settled with any individual. A Committee consisting of Collector of the District, the District Land and Land Reforms Officer and the Assistant Director of Fisheries with Collector as Chairman shall assess the average net income of each fishery on the basis of net income of preceding three years of such fishery and fix 25% of such income as economic rent for the fishery.”;

(b) in clause (ii),-

- (i) for the words “Registrar of Co-operative Societies”, substitute the words “Director of Fisheries”, and
- (ii) for the words “Assistant Registrar of Co-operative Societies”, substitute the words “Assistant Director of Fisheries”;
- (c) for clause (iii), substitute the following :-
“(iii) Sealed tenders should be invited from the functional societies thus identified for the district. The highest tender should be normally accepted if it is not less than the reserve price, which will be equal to the economic rent.
Preference should be given for settlement of the fishery directly with a functional local Primary Fishermen’s Co-operative Society in exclusion of District Level Central Fishermen’s Co-operative Society so as to enable the primary society to obtain bank loan.”;
- (d) omit clause (v);
- (e) for clause (vi), substitute the following :-
“(vi) If lease cannot be granted to a co-operative society in the manner mentioned above, sealed tenders shall be called from bona fide local Fish Production Group and lease be given to the highest tenderer.”;
- (f) omit clause (vii) ; and
- (g) after clause (viii), insert the following :-
“(ix) Each Primary Fishermen’s Co-operative Society or Fish Production Group with whom lease is concluded should make every effort to utilize the water area optimally. Failure to achieve minimum per hectare production as per norms to be fixed by the Department of Fisheries for two consecutive years will make the lease liable to be cancelled. The Primary Fishermen’s Co-operative Society or Fish Production Group with which lease is concluded shall submit the production return to the District Land and Land Reforms Officer 15 days prior to the beginning of the next year through Assistant Director of Fisheries of the concerned district.”;
- (16) in rule 273, add the following proviso :-
“Provided that if more than 50 per cent of water area of a private tank is vested, such tank shall not be settled with the private co-sharer. Instead the private co-sharer(s) shall form a Fish Production Group with suitable number of local fishermen and if local fishermen are not available with local unemployed youths’ selected from out of the families living Below Poverty Line and take settlement. Settlement should not be given for more than 7 years. The annual rent payable shall be fixed by the Collector/District Land and Land Reforms Officer with the help of Assistant Director of Fisheries concerned at the rate of 10 per cent of the market value of yield.”;
- (17) in rule 274, for the words and figures “20 years”, substitute the words and figures “10 years”;
- (18) in rule 275, for the words and figures “between 10 and 20 years”, substitute the words and figures’ “not exceeding 7 years”;
- (19) after rule 275, insert the following :-
“275A. When a lease is granted for more than one year the rent shall be enhanced by 5 per cent per annum in all cases.”;
- (20) in rule 281,-
(a) for clause (ii) substitute the following :-
“(ii) Ferries should be settled by the District Land and Land Reforms Officer by public auction to be held at least three month before the date from which the

settlement is to have effect. Public auction shall remain restricted among co-operative societies or partnership firms as conceived in rule 266A.”

(b) in clause (iv),-

- (i) for the words and figures “Rs.2,500/-“, substitute the words and figures “Rs.10,000/-“, and
- (ii) for the words and figures “Rs.20,000/-“. substitute the words and figures, “Rs.50,000/-“ ;

●

**GOVERNMENT OF WEST BENGAL
OFFICE OF THE COMMISSIONER, PRESIDENCY DIVISION.**

To
Shri Alpan Bandyopadhyay, IAS
District Magistrate, South 24-Parganas.

Subject : Settlement of Beltali Hat, P.S. Gosaba, District – South 24-Parganas for the year 1409 B.S.

Ref : Memo. No.917/L.R. dated 27.5.02 of the DL&LRO, South 24-Parganas.

I am to refer to the Memo no. of the DL & LRO, South 24-Parganas quoted above. It transpires that public auction for the settlement of the aforesaid hat was held on 12.04.2002 & as no co-operative society or partnership firm participated despite due notice, the hat was settled with one individual, who happens to be the settlee for the past few years in deviation of the provision of Rule 266A (Amended) of the West Bengal L & LR Manual. The DLLRO in his proposal for settlement of this hat for 1407 & 1408 (copy enclosed) assured that amended provision of the Manual communicated under L & LR Departments Notification dated 10.12.2001 would be followed at the time of settlement of this hat for 1409 BS.

2. As you will appreciate that mere service of notice in Bengali indicating that priority would be given to local unemployed educated youths from BPL families forming co-op-societies or partnership firms may not suffice to attract such co-operative societies or partnership firms to automatically participate in the public auction unless their formation is seriously organized at Block level well in advance before any Govt. asset is put to public auction. In this regard, I am to draw your attention to the provision of Rule 266B of the Manual (copy enclosed). This Rule is very specific. The concerned BDOs & other Block level officers, specially the Co-operative Inspectors have a major role to play in organizing formation of such Co-operative Societies or Partnership Firms at local level with the active participation of the Panchayat Functionaries.

3. The objective of the amended Rules is to generate maximum employment through optimum utilization of Govt. assets in hat, bazars & other sairati interests. It is needless to mention that unless serious thought is given to implement the objective as embodied in the amended manual, the very purpose of the amendment will be frustrated & a limited privileged few will continue to reap the benefit out of Govt. assets. It is, therefore, necessary to evaluate the situation at the field level & take stock of the efforts given so far in organizing formation of the desired societies & firms well represented by the youths from the BPL families at the prescribed ratio. Before according approval to the proposed settlement of the Beltali hat for 1409 to only one individual enjoying the interests over the years, I like to put on record the steps taken by the concerned officers including the DL & LRO since 10.12.2001 or thereafter to facilitate the formation of at least partnership firms as envisaged in Rule 266A (immediate formation of which does not appear to be very difficult). I may please be favoured with a detailed report.

4. It is also requested to ensure that at least the desired partnership firms are immediately formed at Block level (pending amendment of W.B. Co-operative Societies

Act) following the procedure embodied in Rule 266B before any further auction is held for settlement of any Govt. asset. List of such assets, recording the date of expiry of the existing settlement of each may also be prepared immediately, if not already done. Difficulties, if any, faced during formation or problem encountered by the BPL group of youths at the public auction after the formation of firms may also be reported in advance.

S.K. Magon
Commissioner,
Presidency Division.

No. 270(4) RL

Dated : 09.07.2002

Copy forwarded to :-

1. Shri H.K. Dwivedi, IAS, DM, North 24 Parganas ;
2. Shri Vivek Kumar, IAS, DM, Howrah;
3. Shri Arnab Roy, IAS, DM, Nadia.
4. Shri Manoj Pant, IAS, DM, Murshidabad for similar action & compliance report.

S.K. Magon
Commissioner,
Presidency Division.

Registered No.WB/SC-247

No.WB(Part-I)/2002/SAR-666

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AGRAHAYANA 5]

TUESDAY, NOVEMBER 26,2002

[SAKA 1924

PART I – Orders and Notifications by the Government of West Bengal, the High Court, Government Treasury, etc.

**GOVERNMENT OF WEST BENGAL
LAND & LAND REFORMS DEPARTMENT
L.R. Branch
Writers' Buildings**

NOTIFICATION

No.3490-LR/1F-20/01

Kolkata, the 26th November, 2002.

In exercise of the power conferred by section 60 of the West Bengal Land Reforms Act, 1955 (West Bengal Act X of 1956), the Governor is pleased hereby to make, after previous publication as required by sub-section (1) of the said section, the following amendments in the West Bengal Land and Land Reforms Manual, 1991 as subsequently amended (hereinafter referred to as the said Rules), namely :-

Amendments

In the said Rules,-

- (1) for rule 268. substitute the following with effect from the date of publication of notification no.4650-L.Ref. dated 10th December, 2001 in the Official Gazette :-

"New fisheries
in tidal rivers.

268. No lease for a fishery in a tidal river shall be granted for the first time without the previous sanction of the Government as it may sometimes be expedient not to grant exclusive right to these

to an individual or a group of individuals to the exclusion of the general public.”;

(2) in clause (iii) of rule 272. add the following proviso :-

“Provided that if there is only one functional Primary Fishermen’s Co-operative Society in the locality, settlement shall be made with that local functional society on the basis of economic rent so determined for the fishery and in such event no tender needs be invited.”;

(3) in rule 273, after the existing proviso, add the following proviso :-

“Provided further that if the owner of non-vested portion of a part vested tank fails or declines to form a co-operative society or a fish production group, he will be required to demarcate his non-vested area by earthen bound. If he fails or declines so to do, a damage compensation at the rate of ten per cent of the market value of the vested portion which is necessarily under his occupation shall be realized in terms of sub-clause (ii) of clause (b) of sub-section (6) of Section 10 of the West Bengal Estates Acquisition Act, 1953.”;

(4) for clause (iii) of rule 281, substitute the following :-

“Preference should be given for settlement of ferries with local Boatmen’s Co-operative Society or partnership concern formed of local boatman and hereditary patni. If there is only one such co-operative society or partnership concern in the locality, settlement shall be made with such co-operative society or partnership concern on the basis of economic rent to be determined by the Collector on the basis of 25% of the average of net income of preceeding three years and in such event no tender needs he invited.”;

By order of the Governor
PRASAD RANJAN RAY
Secy. to the Govt. of West Bengal.

Registered No.WB/SC-320

No.292(I)

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ASADHA 27]

MONDAY, JULY 18,2005

[SAKA 1927

PART 1 – Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

**GOVERNMENT OF WEST BENGAL
FISHERIES DEPARTMENT**

NOTIFICATION

No.1501-Fish/C-I/9R-7/84(Part-VIII).-15th July 2005, - In exercise of the power conferred by clause (ii) of section 2 of the West Bengal Inland Fisheries Act, 1984 (West Bengal Act XXV of 1984), as subsequently amended (hereinafter, referred to as the said Act), and in supersession of notification No.1817-Fish/C-I/9R-7/84-III, dated the 5th August, 1994, notification No.. 2126-Fish/C-I/7R-7/84 Part-VI, dated the 12th November 1998, and notification No.291-Fish/C-I/9R-7/84(VIII), dated 6th February 2002, the Governor is pleased hereby to authorise :-

- a) the Assistant Director of Fisheries in charge of a fishery district in West Bengal ;
- b) in the absence of the Assistant Director of Fisheries in charge of a fishery district in West Bengal, the District Fishery Officer in charge of a fishery district in West Bengal ;
- c) the Zonal Deputy Director of Fisheries; and

- d) the District Magistrates of the districts in West Bengal to perform within their respective jurisdictions, the functions of the competent authority under the West Bengal Inland Fisheries Act, 1984 as subsequently amended with effect from the date of publication of the notification.

By Order of the Governor,
(Illegible)
Secy. to the Govt. of West Bengal.

NOTIFICATION

No.1266-Fish/C-I/9R-7/84 (Part-VIII) – 10th June, 2005. – The undersigned is directed by order of the Governor to say that the rent payable per annum to the co-sharers or co-owners of multi-ownership tank for taking over the management and control of such tank shall be assessed by the Competent Authority at the rate of twenty five percent per annum on the net income of each year from such tank and the rent payable per annum by a person to the Competent Authority for taking the tank on lease shall be assessed by the Competent Authority after determination of the credibility of the applicant desirous of taking lease and after necessary examination of the plan for improvement of the tank in question.

The provisions will be incorporated in the West Bengal Inland Fisheries Rules, 1985 in due course.

By order of the Governor,
(ILLEGIBLE),
Secy. to the Govt. of West Bengal.

————— ● —————
Government of West Bengal
Land and Land Reforms Department
L. R. Branch
Writers' Building, Kolkata – 700 001.

No. 2526(40)-L.R
3M-32/05 GE(M)

Dated, Kolkata, the 19th July, 2005.

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

To

- 1) **The Commissioner _____ Division _____**
- 2) **The District Magistrate & Collector,**
- 3) **The Additional District Magistrate and District Land & Land Reforms Officer/District Land & Land Reforms Officer.....**

On the event of formation of large number of Self Help Groups in the State and many of them being interested in taking up pisciculture for their livelihood, it has been felt necessary to consider such Self Help Groups having Grade-I evaluation passed by the Panchayat & Rural Development Department and Bank along with Functional Primary Fishermen's Co-operative Society and Fish Production Group for the purpose of settlement of fisheries belonging to the State Government.

2. Now, the State Government after careful examination of the matter have decided to issue the following guidelines :-

(a)(i) The Government fisheries should not be settled with any individual. A Committee consisting of Collector of the District, the District Land & Land Reforms Officer and the Assistant Director of Fisheries with Collector as Chairman shall assess the average net income of each fishery on the basis of net income of the preceding three years of such fishery and fix 25% of such income as economic rent for the fishery as usual.

(ii) The District Land & Land Reforms Officer should, before the commencement of the year, provide to the Director of Fisheries, West Bengal, and the Assistant Director with the date of expiry of the existing lease in each case, so that, they can identify the functional Primary Fishermen's Co-operative Societies or Fish Production Groups and get them apply for lease of fisheries when they fall due for resettlement. Similar list should also be provided to the District Magistrate for taking identical actions for the Self Help Groups. The District Land & Land Reforms Officer should obtain from the Director of Fisheries a list of Primary Fishermen's Co-Operative Societies or Fish Production Groups in his district, which, in his opinion, are in a financial condition adequate for receiving settlement of fisheries. Same exercise should also be done in respect of Self Help Groups by obtaining the list from the District Magistrate. The Assistant Director of Fisheries and the District Fishery Officer may be requested to remain present during the settlement of a fishery.

(iii) Sealed tenders should be invited from the Primary Fishermen's Co-operative Societies or Fish Production Groups or Self-Help Groups thus identified for the district. The highest tender should be normally accepted if it is not less than the reserve price, which will be equal to the economic rent.

All attempts should be given for settlement of any water body for the purpose of fishery with a functional local Primary Fishermen's Co-operative Society. However, only in the absence of such functional Primary Fishermen's Co-operative Society in the said locality, the same may be settled with a local Fish Production Group or Self-Help Group.

Provided that if there is only one functional Primary Fishermen's Co-operative Society and there is no Fish Production Group or Self Help Group in the locality settlement shall be made with that local functional society on the basis of economic rent so determined for the fishery and in such event no tender needs be invited.

(iv) If, however, the highest tenderer falls short of the reserve price settlement should be made by auction among the Primary Fishermen's Co-operative Societies or Fish Production Groups or Self Help Groups who had offered tenders, and settlement should be made with the offerer concerned giving the highest bid provided the bid is not less than 75 per cent of the reserve price.

(v) 25 per cent of the rent for the first year's settlement should be deposited at the time of settlement and the balance should be deposited before the beginning of the year. Rents for successive years should be deposited in full before the beginning of the respective year. The failure of any of these conditions will make the lease liable to be cancelled as usual.

(vi) Each Primary Fishermen's Co-operative Society or Fish Production Group or Self-Help Group with whom lease is concluded should make every effort to utilize the water area optimally. Failure to achieve minimum per hectare production as per norms to be fixed by the Department of Fisheries for two consecutive years will make the lease liable to be cancelled. The Primary Fishermen's Co-operative Society or Fish Production Group or Self-Help Group with which lease is concluded shall submit the production return to the District Land & Land Reforms Officer 15 days prior to the beginning of the next year through Assistant Director of Fisheries of the concerned district.

(b) The tanks and other interests transferred to the Panchayats shall be leased out to the functional Primary Fishermen's Co-operative Societies or Fish Production Group or Self-Help Group in the manner as in para (a) above. The Panchayat must not lease out the same to any individual. Lease given to individuals shall not be renewed after expiration of the lease and settlement shall be made with the functional local Primary Fishermen's Co-operative Society or Fish Production Group or Self-Help Group as the case may be.

(c) An 'adjunct' means water associated with a river fishery in such manner as to be in continuous connection with the river through out the year, including dry season. When such perennial connection ceases, the water ceased to be 'adjunct' and became a dead river. There are dead canals also in different areas. Such dead river/dead canal

should be settled with functional local fishermen's co-operative society or in absence of such society with Fish Production Group or with Self-Help Group in the locality. No lease for any 'adjunct' should be granted if it causes or is likely to cause disturbance to the flow of river. Lease may, however, be granted on obtaining clearance from the Collector of the concerned district.

3. The Rule is being amended accordingly.

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

No.2526(40)/1(4)-L.R.

Dated : 19th July, 2005.

Copy forwarded for information and taking necessary actions to the :-

(4) Director of Land Records & Surveys, West Bengal, 35, Gopal Nagar Road, Alipore, Kolkata - 700 027.

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

Memo No.9/9338-67/C/2002

dated 14.11.2005.

Copy forwarded for information and taking necessary action to

1-18) District Land & Land Reforms Officer _____

19-34) (Officers of the Directorate)

35) H.A. 'C' Group

36) Guard File 'C' Group.

N.Bandyopadhyay
for Director of Land Records & Surveys
& Joint Land Reforms Commissioner,
West Bengal.

Registered No.WB/SC-247

No.WB(Part-I)/2006/SAR-41

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PHALGUNA 1]

MONDAY, FEBRUARY 20, 2006

[SAKA 1927

PART 1-Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

**GOVERNMENT OF WEST BENGAL
LAND AND LAND REFORMS DEPARTMENT
Land Reforms Branch
Writers' Buildings, Kolkata - 700 001**

NOTIFICATION

No.523-L.R. dated the 20th February, 2006. - In exercise of the power conferred by section 60 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 make, after previous publication as required by sub-section (1) of section 60 of the said Act, the following amendments in the West Bengal Land and Land Reforms Manual, 1991, as subsequently amended (hereinafter referred to as the said rules), namely :-

Amendments

In the said rules, in CHAPTER XVII, -

1. for rule 266C, substitute the following rule :-

“Manner of operation of tanks and other interests transferred to Panchayat.

266C. The tanks and other interests transferred to the Panchayats shall be leased out to the functional Primary Fishermen’s Co-operative Societies or Fish Production Groups or Self-Help Groups in the manner as laid down in rule 272. The Panchayat must not lease out the same to any individual. Lease already given to individuals shall not be renewed after expiration of the period of such lease and settlement shall be made with the functional local Primary Fishermen’s Co-operative Society or Fish Production Group or Self-Help Group as may be suitable according to size of the water area.

Explanation.- For the purpose of settlement of tanks and other interests transferred to Panchayats, the Self-help Group shall mean such Self-Help Group who have passed Grade-I evaluation test conducted by the Panchayat and Rural Development Department, Government of West Bengal and the Bank.”

2. for rule 270, substitute the following rule :-

“Mode of settlement of dead ‘adjunct’ or dead canal.

270. The dead river or the dead canal shall be leased out to the functional local Primary Fishermen’s Co-operative Society or in absence of such Society to the Fish Production Group or to the Self-Help Group in the locality. No lease for any ‘adjunct’ shall be granted if it causes or is likely to cause disturbance to the flow of the river. Lease for such ‘adjunct’ may, however, be granted after obtaining clearance from the Collector of the concerned district.

Explanation.-For the purpose of this rule, the word ‘adjunct’ shall mean the part of water associated with a river fishery in such manner so as to be in continuous connection with the river throughout the year. When such connection with the river ceases, the water cease to be adjunct and becomes a dead river or dead canal.”

3. for rule 272, substitute the following rule :-

“Mode of settlement of fisheries.

272.(i) The Government fisheries shall not be leased out and settled with any individual. A committee consisting of the Collector of the district, the District Land and Land Reforms Officer and the Assistant Director of Fisheries of the concerned district with Collector as Chairman of such committee shall assess the average net income of each fishery on the basis of net income of the preceding three years of such fishery and fix 25 per centum of such income as the economic rent for the fishery.

(ii) (a) The District Land and Land Reforms Officer shall, before the commencement of the year, provide to the Director of Fisheries, West Bengal, and to the Assistant Director of Fisheries of the concerned district a list of fisheries in his district, along with the date of expiry of the existing term of lease in each case, so that, they can identify the functional Primary Fishermen’s Co-operative Societies or Fish Production Groups and get them apply for lease of fisheries when such lease falls due for resettlement. Similar list shall also be provided to the Collector of the District so that, he can identify the Self-Help Groups within the district and get them apply for lease of fisheries when such lease falls due for resettlement.

(b) The District Land and Land Reforms Officer shall obtain from the Director of Fisheries, West Bengal a list of Primary Fishermen’s Co-operative Societies or Fish Production Groups in his district, which, in his opinion, are in a financial condition adequate for obtaining settlement of fisheries.

(c) The District Land and Land Reforms Officer shall also obtain from the Collector of the district, a list of the Self-Help Groups within the district which, in his opinion, are in a financial condition adequate for obtaining settlement of fisheries.

(d) The Assistant Director of Fisheries of the concerned district and the District Fishery officer may be requested to remain present during the settlement of a fishery.

(iii) (a) Sealed tenders shall be invited from the Primary Fishermen's Co-Operative Societies or Fish Production Groups or Self-Help Groups as identified under sub-rule (ii) for the district. The highest tender shall be normally accepted if it is not less than the reserve price, which shall be equal to the economic rent as fixed under sub-rule (i).

(b) Preference shall be given for settlement of any water body for the purpose of fishery with a functional local Primary Fishermen's Co-operative Society. However, only in the absence of any such functional Primary Fishermen's Co-operative Society in the said locality, the said water body may be settled with a local Fish Production Group or Self-Help Group :

Provided that if there is only one functional Primary Fishermen's Co-operative Society and there is no Fish Production Group or Self-Help Group in the locality, then the settlement of water body shall be made with the said local functional Primary Fishermen's Co-operative Society on the basis of economic rent so determined under sub-rule (i) for the said water body and in such event no tender needs be invited.

(iv) If, however, the highest tender falls short of the reserve price, the settlement shall be made by auction among the Primary Fishermen's Co-operative Societies or Fish Production Groups or Self-Help Groups who had offered tenders, and the final settlement shall be made with the offerer concern giving the highest bid, provided that the bid shall not be less than 50 per centum of the reserve price.

(v) 25 per centum of the rent for the first year's settlement shall be deposited at the time of settlement and the balance shall be deposited before the beginning of the year. Rents for successive years for the period of settlement shall be deposited in full before the beginning of the respective year. Failure to comply any of the provisions of this sub-rule shall make the lease liable to be cancelled.

(vi) Each Primary Fishermen's Co-operative Society or Fish Production Group or Self-Help Group with whom lease is concluded shall make every effort to utilize the water area optimally. Failure to achieve minimum per hectare production as per norms to be fixed by the Department of Fisheries, Government of West Bengal, for two consecutive years shall make the lease liable to be cancelled. The Primary Fishermen's Co-operative Society or Fish Production Group or Self-Help Group with whom lease is concluded shall submit the production return to the District Land and Land Reforms Officer at least 15 days prior to the beginning of the next year through the Assistant Director of Fisheries of the concerned district."

By Order of the Governor,
SUKUMAR DAS,
Secy. to the Govt. of West Bengal.

NOTIFICATION

No.1100-Fish/C-I/9R-7/84 (Pt-VIII).

Date : 5.6.2006

In partial modification of this department's notification No.1501-Fish dt. 15.7.05 the Governor is pleased hereby to authorise the Commissioners of respective Municipal Corporations to perform within their jurisdictions to exercise the function of the competent authority under the West Bengal Inland Fisheries Act, 1984 as subsequently amended with effect from the date of issue of this notification.

By Order of the Governor
R.P.S. Kahlon
Secretary to the Govt. of West Bengal.

No.1100/1(30)-Fish/C-I

Dated : 5.6.2006

Copy forwarded for information and necessary action :

1. The Director of Fisheries, West Bengal.
2. The Assistant Director of Fisheries, District
3. The Commissioner, KMC/HMC/Chandannagar/Asansol/Siliguri.
4. The Deputy Director of Fisheries, Zone.
5. P.A. to M.I.C., Fisheries Department.

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

●
GOVERNMENT OF WEST BENGAL
OFFICE OF BOARD OF REVENUE, WEST BENGAL
Section - AIII,
G. E. BRANCH

No. 5316.G.E.
99/75

dated, Calcutta, the 25th March, 1976.

To
The Commissioner,
Presidency Division, Calcutta.

Sub : Interest on holding over dues in cases of expired lease.

Ref : His Memo.No.2160-R.L. dated 1.8.75.

The Law Officers of the Government have opined as follows :-

- i) Interest can be charged on the holding over dues if there is an express stipulation to pay interest in the previous deed of agreement or lease ;
- ii) In cases where rent has been enhanced with retrospective effect no interest can be charged on the difference of rent for the back period unless there is any such stipulation.

J. Chatterjee.
Deputy Secretary,
Board of Revenue, West Bengal.

**GOVERNMENT OF WEST BENGAL
OFFICE OF THE BOARD OF REVENUE, WEST BENGAL
SECTION A(III), GE- BRANCH**

4644(18)-GE(M)
217/85GE(M)

Dated, Calcutta, the 11th March, 1987

To
Additional District Magistrate (LR)
.....

Subject : Permission for transfer of leasehold land to other person/s by a lessee.

A reference has been made by the Additional District Magistrate (LR), Midnapore, vide his Memo No.6012/LRM dated 01.11.85 (Copy enclosed), seeking Board's instructions as to whether permission for transfer of non-agricultural lands leased out to lessees is at all necessary, and if so, what should be the factors relating grant of such permission.

2. In this context the undersigned is directed to say, that the Board has since decided that prior permission of the Collector for transfer of any lease hold Govt. land, partly or whole, by a lessee will be necessary as per provisions similar to Rule 177 of the W.B.L.M. Manual, 1977.

3. Besides, as lease is granted for a specific period of time and on specified terms and conditions, permission to transfer part or whole of lease hold lands by the lessees should be generally discouraged to avoid complications in future. Obviously, in cases where such transfer is sought for gain or any other commercial design, permission will not be granted.

4. However in exceptional case where genuine hardship is involved and the ground is justified, permission may be granted to lessee limited to the period of the lease and provided the transferee gives a written undertaking that he shall strictly abide by the terms, conditions and covenants of the subsisting lease and all liabilities under the lease.

Sd/- Illegible
Secretary,
Board of Revenue, West Bengal.

————— • —————
**Government of West Bengal
Office of the Board of Revenue, West Bengal
Section-AI : Branch-GE**

No. 9080(18)-GE
229/91

Dated, Calcutta, the 28th October, 1992.

To
The District Land & Land Reforms Officer,
.....

Sub : Settlement of vested agricultural land lying within Municipal areas/Notified areas/Areas under Development Authority.

Board of Revenue for sometimes has been reviewing the existing policy of settlement of vested agricultural lands lying within the Municipal areas/Notified areas/Areas under Development authority.

After considering various aspects of the matter and in supersession of Board's previous Memo. No.5163(17)-GE dt. 5.5.81 it has been decided that following steps should be taken in the matter of settlement of vested agricultural lands which are at the disposal of Govt. within Municipal areas/Notified areas/Areas under Development authority.

- 1) All such lands should be treated as non-agricultural land for the purpose of distribution,
- 2) Lease should be offered to the Municipality/Corporation/Notified Authority or any other Statutory Civic Authority concerned as a first step,
- 3) If the said body does not want to take lease under usual conditions within a reasonable time, request, if any, from Govt. Departments/Organisations should be considered,
- 4) If that also does not eventualise long term settlement should be offered to possessors, if they are otherwise suitable,
- 5) If encroachers are unsuitable or are not interested in regularization, steps should be taken for their eviction and the land should be offered for settlement to public in general in the manner laid down in the Land Management Manual.

All concerned may be informed accordingly.

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

Memo No.9080/1(23)-GE
Copy forwarded to :-

- 1) Land & Land Reforms Department.
- 2) Director of Land Records & Surveys, W.B.
- 3) Commissioner, _____ Divn.
- 4) Collector, _____
- 5) Deptt. of Municipal Affairs, for taking necessary action.

Dated, Calcutta,
The 28th October, 1992.

————— • —————
Copy of Memo. No.6/6144-60/C/92, dated, Alipur, the 31st December, 1992 of Director of Land Records and Surveys and Joint Land Reforms Commissioner, West Bengal, 35, Gopalnagar Road, Alipur, Calcutta – 27.

To
The District Land and Land Reforms Officer,
.....

Sub : Encroachment in Govt. lands/vested lands.

It has come to the notice of the undersigned that inspite of several instructions, encroachment over vested lands, departmental lands, Khasmahal lands which are still taking place in many villages are not properly looked out by our officials. They are not also very serious to prevent the illegal encroachments. It is, hence, ordered that all such lands or roads etc., if is encroached by any person, arrangement to remove that person(s) should be made in consultation with Panchayat bodies, Collector of the District and different Government Departments and local bodies.

All Revenue Inspectors should submit a report monthly to the B.L.&L.R.O. whether any encroachment has been taken place under his jurisdiction for the month under report.

All B.L.L.R.Os should be vigilant in this matter and take up the same with the good offices of the aforesaid authorities and report to the D.L.L.R.O. through S.D.L.L.R.O. with specific comments.

Any deviation in this matter should be seriously viewed with.

P.K. Agrawal
Director of Land Records & Surveys and
Jt. Land Reforms Commissioner, W.Bengal.

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

Memo No. $\frac{673-GE}{178/92}$

Dated, Calcutta, the 29th January, 1993.

To
The Director of Land Records & Surveys, West Bengal,
Alipore, Calcutta – 700 027.

It has come to the notice of the Board that there are some confusions about the empowerment of officers for punishment of unauthorized occupation of Government land and also eviction by executive order, Section 49A of the W.B.L.R. Act does not stipulate any particular officer of the Government to initiate the prosecution of unauthorized occupants under that section. Naturally any officer of the Integrated Set-up can do this. But under West Bengal Public Land (Eviction of Unauthorised Occupants) Act the power should be with S.D.O. alone, as at present.

All concerned may be informed accordingly.

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

Memo. No.673/1(20)-GE

Copy forwarded to :-

1. Collector,
2. Commissioner,.....Division.

K.P. Sandilya
Spl. Secy., Board of Revenue, W.B.

●
Government of West Bengal
Office of the Board of Revenue, West Bengal
Section-A(III) : G.E. (M) Br.

No. 4604(39)-GE(M)/ 96/93

Dated Calcutta, the 12th August, 1993.

To
1) The Commissioner, _____ Division _____
2) The District Magistrate, _____
3) The District Land & Land Reforms Officer,

Sub : Difficulties experienced in the matter of renewal of long term lease and regularization of un-authorized occupants of vested land.

The undersigned is directed to say that it has come to the notice of the Board of Revenue that some legal as well as practical difficulties are being experienced by district

administration in the matter of renewal of long term lease and regularisation of unauthorized occupants of vested land. The matter was duly considered by the Board. The following observations of the Board made in this connection are hereby circulated for information and guidance of the local authorities concerned :-

2. Some legal difficulties arising out of the provisions of the West Bengal Non-agricultural Tenancy Act have been brought to the notice of the Board. But the position has now changed. In view of the provisions of Sections 49(5), 62 and 63 of the West Bengal Land Reforms Act, 1955, read with Land and Land Reforms Department Notifications No.435-L. Ref. dated 6.4.93, No.437-L. Ref. dated 6.4.93 and No.439-L. Ref. dated 6.4.93, the relevant provisions of the Land and Land Reforms Manual, 1991 have the force of the law of the land notwithstanding provisions elsewhere.

3. The relevant provisions of the Manual are contained in sub-rule 1 of the Rule 226 thereof which is reproduced below :-

“226(i). No selami shall be charged at the time of renewal of long term leases. But rent shall be realized at the time of renewal of such leases. The rent shall be computed in the following manner :

- a) If the settlement is for industrial or commercial purpose four per cent of the market price of the land at the time of the renewal of the lease.
- b) If the settlement is for homestead or residential purposes or purposes other than industrial or commercial – fifteen times the annual rent, previously payable or four per cent of the market price of the land at the time of renewal of the lease, whichever is less”.

This is now, therefore, the law of the land and has precedence over any other law or instructions in conflict with this. Thus there is no legal difficulty to give effect to the provisions of the new Manual.

4. The practical difficulties which are more important may be summed up as follows:-

- (i) There are many cases of non-renewal of expired leases and non-regularisation of old occupation. The arrears in such case could be quite formidable and may not be within the paying capacity of the occupiers some of whom are quite poor.
- (ii) Because of the poverty of some of the occupiers and other reasons as well it is not practicable to evict the occupants.

5. The new provisions of the Land and Land Reforms Manual, 1991 as quoted above, may mitigate these difficulties to some extent. The rent chargeable at the time of renewal of residential leases is now 15 times the previous rent or 4 per cent of the current market value, whichever is less. Experience tells that 15 times the old rent will be less than 4 per cent of the current market value in practically all cases. Therefore, this will be at least a partial mitigation of the difficulties of the lessees whose leases have expired.

6. There are many occupants who did not previously apply for leases. If the occupation has been recent it should not be further encouraged by any consideration towards reducing the amount payable to Government. But if, as in most cases, the occupation is very old, retrospective sanction may be given for lease with effect from the date of occupation. In that case the amount payable would be much less. The Board of Revenue has approved this particular procedure in many individual cases.

7. If there is any residual difficulty in individual cases, the same may be referred to Board/Government for instructions.

8. The procedures laid down in the above paragraphs may be tried out for solving the difficulties that may arise in the matter of long term lease and regularization of unauthorized occupation of vested land.

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

Memo. No.4604/1-GE(M)

Copy forwarded for information and necessary action to Director of Land Records & Surveys, West Bengal.

Calcutta,
The 12th August, 1993.

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

————— ● —————
Government of West Bengal
Land & Land Reforms Department
Section –A(I) : Branch – GE

No. $\frac{2994(36)-GE}{371/93}$

Dated, Calcutta, the $\frac{9^{th}}{15^{th}}$ July, 1996

To

- 1) **The District Magistrate,**
- 2) **The District Land & Land Reforms Officer,**

Sub : Inter-departmental transfer of land.

It has been noticed by the Land and Land Reforms Department for sometime past that different departments are making direct transfer of land to undertakings under their administrative control, or other departments or other bodies sometimes at a premium agreed to between themselves and sometimes free of cost.

This practice is not only irregular but also abinitio void. All the government land belongs to the L & L.R. Department. The department to which such land has been transferred is the permissive possessor only for the specific purpose for which it sought the land for its own use. No department has any right to transfer, lease out, or settle in any way such land with any other department, corporation, local body, undertaking even though it be under its administrative control. Even, its own use of the land for a purpose other than the purpose for which the land was transferred to the department is not permissible without the prior approval of the Land and Land Reforms Department.

If any department seeks to transfer land on the ground that it no longer requires it as a result of abandonment of a project, or for any other reason, the procedure is that such department should relinquish the land in favour of the L & L.R. Department, and the L & LR Department will then settle the land with the intended transferee on such terms and conditions as prescribed in the rules.

He is, therefore, requested to strictly adhere to the norms and procedures in all cases of transfer of land by one department to another, and any departure therefrom should be immediately brought to the notice of the Land and Land Reforms Department.

Sd/- Illegible.
Land Reforms Commissioner
and
Principal Secretary,
Land & 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, Alipore, Calcutta – 700 027.

Memo. No.10/2516/C/98.

Dated, Alipore, the 30th November, 1998.

From : Director of Land Records & Surveys and
Jr. Land Reforms Commissioneer,
West Bengal.

To
The District Land & Land Reforms Officer,
North 24-Parganas.

Subject : Distribution of non-agri land classified as River, Rasta, Bandh etc.
after joint survey which are fit for distribution.

Reference : His Office Memo. No.S/XXIV/19/1864/L. & L.R.(N) dated 22.9.1998.

The non-agri. land classified as River, Rasta, Bandh etc. should not be distributed as road has common easement right & Bandh protects the villages from flood.

The Khal, River, etc. passes excess water. If it is distributed and being cultivated, the Khal, River etc. loss its character. As a result the area may be water logged, even the area may be flooded. Hence distribution of such land should not be done.

He is therefore requested to kindly act accordingly. However he may consider to hand over these vested water areas to Panchayat for pisciculture or of similar use without disturbing the classification/character of land.

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

●
Government of West Bengal
Land and Land Reforms Department
L.R. (AIII) Branch

No.2227(40)-LR/248/99 GE(M).

Date : 07.09.99.

To :

- 1) **The Commissioner,**
- 2) **The District Magistrate & Collector,**
- 3) **The D.L. & L.R.O.,**

Sub : Guidelines to be followed in matters pertaining to the lands at the disposal of the State Government.

The undersigned is directed to forward herewith the guidelines to be followed in connection with the matter pertaining to the lands at the disposal of the State Government for his information and necessary action.

P. Bandyopadhyay
Joint Secretary to the
Government of West Bengal.

Guidelines

Settlement of non-agricultural land at the disposal of State Govt. is made in accordance with the principles laid down in Chapter – XV of the West Bengal Land & Land Reforms Manual 1991. Non-Agricultural lands at the disposal of the State Government comprise the following categories :

- i) Vested under the WBEA Act, 1953.
- ii) Vested under the WBLR Act, 1955.
- iii) Vested under the Thika Tenancy Act if reported to BLLRO.
- iv) Land Accreted by Alluvian.
- v) Land resumed by the State Government under Section 6(3) of the WBEA Act.
- vi) Land relinquished to the Land & Land Reforms Department by other departments of this Govt.
- vii) Land Acquired for a requiring body but subsequently surrendered to the L & LR Department.
- viii) Land brought to the control of the Government by any other means.

2. Apart from the non-agricultural lands at the disposal of the State Government, agricultural land within the limits of a Municipality/Municipal Corporation/Notified Area Authority are treated as non-agricultural land in terms of Board of Revenue's circular No.9080(18)-GE dated 28.10.92. Besides, agricultural land adjoining the limit of or 229/91 within the influence zone of the Municipality/Municipal Corporation/Notified Area Authority may have been rendered unfit for agriculture and be required to be settled as non-agricultural land under Chapter – XV of the Manual.

3. It has come to the notice of the Government that some of the plots of such lands are under unauthorized occupation of undesirable persons. In one or two cases even after allotment order passed by the Department, such order could not be enforced by delivery of possession without taking recourse to the procedure for eviction of unauthorized occupants.

4. It is the duty of the BLLRO as the representative of the Collector to ensure that such lands particularly within or in the vicinity of Municipality/Municipal Corporation/Notified Area Authority are properly maintained and kept free from unauthorized occupation. The concerned field functionaries should regularly inspect the lands particularly those in the compact block of 1/3rd of an are or more and as soon as any incident of unauthorized occupation takes place or any attempt for such occupation is noticed the same must be reported to the BLLRO. The BLLRO must take action for preventing such unauthorised occupation both by pursuing the matter and also if necessary by initiating legal steps. Assistance of the local body authorities may also be sought by the BLLRO to prevent such occurrence. In case all his genuine efforts fail, he must report it to the DLLRO in form of a memo containing the particulars of land and details of the unauthorized occupants indicating therein the steps already taken by him. The DLLRO will without any loss of time take steps for removal of the unauthorized occupation, if necessary, by taking recourse to the provisions under the West Bengal Public Land (Eviction of Unauthorised Occupants) Act, 1962.

5. In many cases, the ex-land owner or lessee on whose account, the land vested or acquired or from whom the land was resumed might have illegally sold the land keeping the fact of vesting/acquisition/resumption secret to the purchasers. The purchasers then unknowingly go into possession and face a lot of legal and practical complications. In order to make the fact known to the members of the public, the Government land should be properly demarcated and steps may be taken to put up a board/fix a small concrete pillar on the land with the words "Govt. Land" written on the board/pillar. This is particularly necessary for protection of Govt. land in compact block of one third of an acre or more within the limits and in the vicinity of Municipality/Municipal Corporation/Notified Area Authority.

GOVERNMENT OF WEST BENGAL
Land and Land Reforms Department
L. R. Branch

No.1714(43)-L.R./208/99 GE(M).

Dated : 11.10.99.

To

- 1. The Commissioner,**
- 2. The Collector,**
- 3. The D.L. & L.R.O.,.....**

Subject : Matters pertaining to transfer/settlement of land and fixation of interest thereof.

The undersigned is directed to refer to the above subject and to say that it has been observed in the recent years that there is some misconception about the procedure to be followed in cases of transfer/settlement of land and fixation of interest to be charged in such cases. All transfer/settlement of land except transfer of land between the State Government and the Central Government is guided by the principle and procedure as laid down in the Rules embodied in the West Bengal Land and Land Reforms Manual and the interest is assessed and charged @ 6 ¼% per annum in default of payment of rent/revenue in accordance with the said Manual i.e. West Bengal Land and Land Reforms Manual. Only in connection with the transfer of land between the State Government and the Central Government the principles land down in the Land Transfer Rules, as embodied in Appendix L to the Land Acquisition Manual, Part – II, is applied and for such transfer of State Government Land the amount payable by the Central Government is the transfer value comprising market value and capitalized value along with interest for delayed payment of transfer value the rate of which is fixed and revised as per provision of the Land Acquisition Act, 1894 (Act I of 1894) as amended from time to time. The rate of interest was last revised and fixed @ 9% per annum for the 1st year assessable on transfer value if not paid at the time of taking possession of the land and @ 15% per annum during the subsequent years till such payment is made, in full. The circular issued vide no. 901(50)-L.R. dated 09.11.1992 was to give effect to that revised rate of interest only in cases of transfer of land under the Land Transfer Rules and not in other cases of transfer/settlement of Land guided under the West Bengal Land and Land Reforms Manual having specific Rules of charging interest in such cases.

The undersigned is, therefore, directed by order of the Governor to say that the Governor has been pleased to modify the circular issued vide no.901(50)-L.R. dated 09.11.1992 and direct that all transfer/settlement of land will be guided under the provisions of the West Bengal Land and Land Reforms Manual except transfer of land between the State Government and the Central Government which will be guided by the principles of the Land Transfer Rules and in the manner in accordance with the Circular issued vide No.910(50)-L.R. dated 09.11.1992.

Sd/- Illegible
O.S.D. & Deputy Secretary.

No.1714(43)/1(3)/L.R.

Dated : 11.10.1999.

Copy forwarded for information and necessary action to :-

- 1) The Finance Deptt., Writers: Buildings, Calcutta – 700 001.
- 2) The D.L.R.S., West Bengal,
35, Gopalnagar Road, Alipore, Calcutta – 700 027.
- 3) The Accountant General (Audit-II), West Bengal,
18, Rabindra Sarani, Poddar Court (4th Floor), Calcutta – 700 001.

Sd/-Illegible
O.S.D. & Deputy Secretary.

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

No.2401(40)-GE(M)/398/99.

Dated : 21st December, 1999.

From : The O.S.D. & Dy. Secretary to the
Government of West Bengal.

To

The A.D.M. & D.L. & L.R.O.

Subject : Encroachment of jail lands and survey to be made thereof.

The undersigned is directed to refer to the above subject and to state that the Jail Department has since informed that the jail lands in West Bengal are constantly being encroached upon by the jail staff as well as outsiders. The problem has become so alarming that implementation of some projects on jail lands by the Jail Department being hampered to a large extent. The Jail Department has decided to take steps to remove unauthorized encroachments and oppose in right earnest any further encroachment of jail lands.

Accordingly, the Jail Superintendents have been instructed by the Jail Department to cause survey of jail lands and take measures for eviction of unauthorized occupants under the provisions of W.B. Public Land (Eviction of unauthorized occupants) Act 1962, as amended from time to time. As dispute arises sometimes, regarding right and title of the lands and as the Jail Department do not have efficient documents to establish right/ownership of jail lands, Jail Superintendents, all over the state, have been instructed by that Department to contact the concerned D.L.&L.R.O. for obtaining full records of jail lands so that title of this Prison Administration on the encroached jail lands may be established.

He is, therefore, requested to give all possible assistance to the Superintendents of Jails for demarcation and survey of jail lands as well as for supplying relevant records of jail lands to the Jails authority as may be required by them.

Sd/- Illegible
O.S.D. & Dy. Secretary to the
Government of West Bengal.

No.2401(40)/(2)-GE(M)

Dated : 21.12.1999.

Copy forwarded for information and necessary action to :-

1. The Principal Secretary to the Government of West Bengal, The Jail Department, Writers Buildings, Calcutta - 700 001.
2. Director of Land Records & Surveys, 35, Gopal Nagar Road, Calcutta - 700 027.

Sd/- Illegible
O.S.D. & Dy. Secy. to the
Government of West Bengal.

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

No.1528(18)-L.R./3M-80/01 GE(M).

Dated : 21.5.2001.

From : The O.S.D. & Dy. Secretary to the Government of West Bengal.

To

The A.D.M. & DLLRO,

The D.L.L.R.O.,

Sub : Settlement of land with an individual.

The undersigned is directed to inform that a question has arisen if a person who is not a Citizen of India is entitled to get settlement of land by way of patta or lease. It is

clarified that no proposal for settlement of land with an individual should be processed if the concerned individual seeking settlement of land is found not to be a Citizen of India. It should be ascertained by way of written declaration in the application that the individual is a citizen of India. In case any dispute arises as to whether a particular individual is a Citizen of India or not, the issue may be referred to the Sub-Divisional Officer of the sub-division or the District Magistrate of the District whose decision in this regard will be final.

Sd/- Illegible
O.S.D. & Dy. Secy. to the
Government of West Bengal.

No.1528(10)/1(20)-L.R.

dated : 21.5.2001.

Copy forwarded for information & necessary action to :-

- 1) The Commissioner, Division
- 2) The Collector,

Sd/- Illegible
O.S.D. & Dy. Secretary to the
Government of West Bengal.

●

Government of West Bengal
Land and Land Reforms Department
L.R. (A-III) Branch
Writers' Buildings, Kolkata - 1.

No.711-GE(M)/2L-36/01.

Dated, Kolkata, the 8th March, 2002.

ORDER

Rule 223(ii) of the West Bengal Land and Land Reforms Manual, 1991 envisages provision of reduction of 'rent' and 'salami' in case of "long term settlement" of 'non-agricultural' Government land when such land is used to serve a public or a charitable purpose. In recent years different indigenous non-Government organizations have been coming gradually in increasing number for performing service in different disciplines of public interest and such organization as also the municipal and other local bodies have been appealing to Government for long term settlement of non-agricultural Government land for such purposes on reduced rent and salami under coverage of the said rule.

In view of this, Government has been considering adoption of a uniform policy for categorization of such indigenous organizations and fixation of reduced rate of rent and salami in granting long term settlement/settlement of non-agricultural Government land with such organisations/bodies. After careful consideration of all aspects relevant to the issue, the Governor has now been pleased to order as follows in this respect :-

- (a) The bonafide non-Government organizations who are genuinely non-commercial and non-profiteering in their activities, while requiring Govt. land for rendering any service to the people in general without any discrimination whatsoever absolutely free of any cost, may be allowed long term settlement only at nominal rent and salami as an appreciation of their noble gesture. The primary schools shall, however, be provided with Government land strictly need based, free of any cost by way of departmental transfer through State School Education Department/District Primary School Council as usual;
- (b) (i) The bonafide non-Government organizations that carry on institutions for imparting education on Engineering, Medical and other such professional faculties strictly as per norms of the competent authorities of the disciplines and run their activities basically not for profit making, may be granted long term settlement of Government land, if they so require, at a concessional one time salami at the rate of 2% of market value and at an annual rent at the

rate of rate of 0.2% of market value subject to clearance and recommendation of the concerned department of this Government .

(ii) The Government aided recognized Jr. High, High, Higher Secondary Schools and other such equivalent institutions that provide free education to the public in consonance with policy of this Government, may be granted long term settlement of Government land at one time nominal salami of Re.1/- (Rupee one) only and at an annual rent as per provision of W.B.L.R. act, 1955 subject to clearance and recommendation of the State School Education Department.

(iii) The academic colleges, research institutions and other service institutions like hosopitals, dispensaries etc. which are for all practical purposes, dependent on Govt. aid and grants and only on nominal fees render their services to the public quite in consonance with the State Government's policy in respective arena and in no way be termed as 'commercial institutions', may be granted long term settlement of Government land at one time nominal salami of Re.1/- (Rupee one) only and at an annual rent as per provision of W.B.L.R. Act, 1955, subject to recognition /affiliation of the competent authority and on clearance and recommendation of the State Governments' concerned departments.

(c) (i)The Municipal bodies, Panchayat Bodies and various other Development authorities set up under the West Bengal Town & Country (Planning & Development) Act,1979 while requiring Govt. land within their respective local limits entirely for public purpose such as construction of public roads, bridges, culverts, office buildings to house strictly their own offices that are usable by the people in general and do not involve any commercial exploitation of the land, may be granted long term settlement of land on a one time nominal salami of Re.1/- (Rupee one) only and at an annual rental as per provision of the W.B.L.R. Act, 1955;

(ii) The said local bodies while requiring land for any commercial exploitation e.g. construction of market complex or the like may be granted long term settlement on concessional rates of 25% of the usual rent and salami as envisaged in Rule 223(i) of W.B.L. & L.R. Manual 1991;

(d) In case of long term settlement of Government land with physically handicapped persons or any person or family belonging to 'below poverty line' category for their personal use, each individual case shall be decided by Land and Land Reforms Department for any concessional rate of rent and salami based on individual merit and circumstances in consultation with the State Finance Department.

(e) Any other non-Government user or intended user of Government land shall have to pay rent and salami on long term settlement with them as envisaged in Rule 223(i) of W.B.L. & L.R. Manual 1991.

2. This order shall take immediate effect and cases already settled shall not be reopened.

3. This order issues with concurrence of State Finance Department vide its Gr. D-II U.O. No.719 dated 24.09.2001 and No.933 dated 02.01.2002.

By Order of the Governor,
P. Bandyopadhyay
Special Secretary to the Government
of West Bengal.

No.711/1(4)-GE(M)

Dated : 08.03.2002.

Copy forwarded to the :-

- 1) Principal Accountant General (A. & E.). West Bengal,
Treasury Building, Kolkata – 700 001.
- 2) Accountant General(Audit-I), West Bengal,4, Brabourne Road, Kolkata – 700001.
- 3) Accountant General (Audit-II), West Bengal, 'Poddar Court', 18, Rabindra Sarani,
Kolkata – 700 001.
- 4) The Finance Department,
Group - D-II.

for information and necessary action.

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

No.711/2(175)-GE(M).

Dated : 08.03.2002

Copy forwarded to the :-

- 1) Commissioner,Division
- 2) The D.L.R. & S. and Jt. L.R.C., West Bengal,
35, Gopal Nagar Road, Alipore, Kolkata – 700 027.
- 3) District Magistrate & Collector,
- 4) A.D.M. and D.L. & L.R.O./D.L. & L.R.O.
- 5) S.D.O.
- 6) S.D.L. & L.R.O.

for information and guidance.

2. All concerned may be suitably informed and all proposals henceforth may be processed strictly as per the guidance spelt out above.

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

No.711/3(15)-GE(M).

Dated : 08.03.2002

Copy forwarded to GE(M), Branch of this Department.

- for information.

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

●

Government of West Bengal
Office of the Director of Land Records & Surveys
& Jt. Land Reforms Commissioner, West Bengal
35, Gopalnagar Road, Kolkata – 700 027.

Memo. No.56/3352-3369/C/03.

Dated, Alipur, the 23rd July, 2004

To : The District Land & Land Reforms Officer.

Subject : Status of vested lands handed over to different Departments.

At the time of reviewing the position of lands vested to the State and distribution thereof at a high level meeting held in the chamber of the M.I.C. Land & Land Reforms Department it has been observed with great concern that a huge quantum of land has been handed over to different Departments including Forest Department, Irrigation Department etc. The matter of utilization of such lands has also been discussed. It was the view of participants that all such lands are not being utilized for the purpose for which the same was handed over to them. It has also been pointed out that the

respective Departments are leasing out the said lands to different private agencies, which was felt to be highly irregular as per law. To have a clear picture regarding such type of utilization, survey of such lands has been felt necessary.

Under such circumstances, he is requested to make arrangement for preparing a status report (Blockwise & Mouzawise) of such lands mentioning (a) the name of the Department, (b) particulars of lands handed over to them, (c) particulars of present use of the lands (d) whether the lands are utilized for the purpose for which they were handed over to the Department, (e) Department wise area of land.

With a view to framing of a State level policy in this matter the survey report is to reach this Dte. within a month.

This may be treated as extremely urgent.

D.K. Chaudhuri
Director of Land Records & Surveys
& Jt.Land Reforms Commissioner, West Bengal.

Memo. No.56/3370/C/03.

Dated, Alipur, the 23rd July, 2004.

Copy forwarded to the Principal Secretary, Land & Land Reforms Department and Land Reforms Commissioner, West Bengal, for favour of his kind information.

D.K. Chaudhuri
Director of Land Records & Surveys
& Jt.Land Reforms Commissioner, West Bengal.

●

Government of West Bengal
Office of the Director of Land Records & Surveys
& Jt. Land Reforms Commissioner, West Bengal
35, Gopalnagar Road, Kolkata- 700 027.

Memo. No.56/3538-3555/C/03.

Dated, Alipur, the 5th August, 2004

To
The District Land & Land Reforms Officer.

Sub : Status of vested lands handed over to different Departments.

Ref : This Office Memo No.56/3352-3369/C/03 dated 23.07.04.

You were requested vide this office memo under reference for sending a report on the status of vested lands handed over to different Departments within a month. But as the matter of disposal of the lands, owned by different departments and not being used by them for the purpose they were settled, has been given a great importance by the L. & L.R. Department, an interim report is urgently necessary.

You are therefore requested to send an interim report in this matter by return FAX.

Please treat this as extremely urgent.

D.K. Chaudhuri
Director of Land Records & Surveys
& Jt.Land Reforms Commissioner, West Bengal.

Memo. No.56/3556/C/03.

Dated, Alipur, the 5th August, 2004.

Copy forwarded to the Principal Secretary, Land & Land Reforms Department and Land Reforms Commissioner, West Bengal, for favour of his kind information.

D.K. Chaudhuri
Director of Land Records & Surveys
& Jt.Land Reforms Commissioner, West Bengal.

Government of West Bengal
Land and Land Reforms Department
L. A. Branch
Writers' Building, Kolkata -1.

No.1682-L.A./3M-04/05.

Dated : 06.07.2005

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

To
The Additional District Magistrate (L.A.)
Cooch Behar,
Office of the District Magistrate (L.A. Br.)
Cooch Behar,
P.O. & Dist. Cooch Behar.

Sub : Clarification regarding payment of removal cost of houses of the unauthorized occupiers of the vested land etc.

The undersigned is directed to refer to his Memo. No. LA/288, dated 21.02.2005 on the subject mentioned and to clarify the points raised in his letter hereinbelow :-

1. As regards payment of cost of removal/shifting of dwelling houses of the unauthorized occupiers of any vested land, it is stated that no such compensation is admissible to them under L.A. Act only if the person interested is a lawful occupier. If necessary, Collector may take necessary action under section 49A(a) of W.B.L.R. Act, 1955 for vacating such vested land from the unauthorized occupiers.
2. Regarding payment of compensation of land to any person interested on the strength of transfer deed executed after the publication of notification u/s. 4, it may be stated that the person interested over the land under acquisition on the strength of the Transfer deed is also entitled to be an interested party in the Land Acqn. Proceedings and to receive payment of compensation, if Collector deems it fit. In this case, Collector shall issue notice u/s. 9(2) of L.A. Act upon both the parties i.e. Vendor whose name features in the R.O.Rs of land and Vendee who possesses the transfer deed of the land and after hearing them shall pass an order specifying the person who is the actual owner of the land and pass necessary award in his favour. If disputes arise over of the ownership of the land between the vendor and vendee and Collector is unable to decide the question, he shall refer the matter to the Court u/s. 30 & 31 (2) of Act-I.
3. Regarding the question for payment of L.A. Compensation to a person on the strength of Raiyati Pattas executed after the publication of notification u/s 4, it may be stated that such Raiyati Patta executed after the initiation of any L.A. proceedings under the L.A. Act is not desirable at all since Patta land cannot be acquired under L.A. Act. Immediately before the publication of notice u/s. 4 of L.A. Act, Collector shall locate the vested land, if any, within the land to be acquired as per proposal of the Requiring Authority and inform all the concerned authority preventing them from granting of such Raiyati Patta of the vested land to any person interested. If the land of a Patta holder is found essential for any development Project, the 'Patta' has to be annulled first whereupon the land shall again vest to the state. Then that piece of land is to be departmentally transferred/settled for long term lease as per procedures under W.B.L.R. Manual. For annulment of the Patta, the Patta-holder shall be compensated either by allotment of another land or in cash to be paid by R.B. for whom the land is needed, but not by the L.A. Collector. Such Patta land shall be shown "out of acquisition" under L.A. Act in L.A. Plan, Notification, Declaration and award etc.

He is requested to take necessary actions as per guidelines stated above.

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

No.1682/1(37)-L.A.

Dated : 06.07.2005

Copy forwarded for information and necessary action to :-

- 1) The Collector,
- 2) The First Land Acquisition Collector, Kolkata,
- 3) The Special Land Acquisition Officer.

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

●

Government of West Bengal
Land and Land Reforms Department
Land Reforms Branch
Writers' Buildings, Kolkata - 700 001

No :518-LR/3M-11/06 GE(M).

Dated : 20.02.2006.

ORDER

Whereas settlement of land with the bonafide non-Government organizations which carry on institutions for imparting education on Engineering, Medical and other such professional faculties is granted for a period of 30 years at a concessional one time salami at the rate of 2% of the market value and at an annual rent at the rate of 0.2% of the market value subject to clearance and recommendation of the concerned Department of the State Government in terms of Order No. 711-GE(M)/2L-36/01 dated 8th March, 2002;

And whereas it appears that such non-Government organizations who set up institutions for professional courses normally continues for a period of more than 30 years as those institutions are permanent in nature and such settlement for the period of 30 years is reportedly inconvenient for them;

And whereas in terms of Rule 245 of the West Bengal Land & Land Reforms Manual, 1991 long term settlement for a period of 99 years is granted on payment of 95% of the market value as one time salami and 0.3% of the market value as annual rent.

And whereas the condition of payment of 95% of the market value of the land for the purpose of getting settlement for the period of 99 years put hardship to such non-Government organizations, it has been considered necessary that such non-Government organizations may be allowed concessional rate for such settlement of land;

And Whereas the State Government, after careful consideration of the matter, have decided that the bona-fide non-Government organizations which carry on institutions for imparting education on Engineering, Medical and other such professional faculties may be granted long term settlement for the period of 99 years at a concessional one time Salami at the rate of 40% of the market value of the land and at the rate of 0.3% of the market value of the land as annual rent subject to the clearance and recommendation of the concerned Department of the State Government.

Now, therefore, the Governor is pleased hereby to direct that the bonafide non-Government organizations which carry on institutions for imparting education on Engineering, Medical and other such professional faculties as per norms of the competent authorities of the disciplines and run their activities basically not for profit making should be granted long term settlement for the period of 99 years at a concessional one time salami at the rate of 40% of the market value of the land and at the rate of 0.3% of the market value of the land as annual rent subject to clearance and recommendation of the concerned Department of State Government.

2. This issues in modification of Order No. 711-GE(M)/2L-36/01 dated 8th March, 2002.

By order of the Governor,
K.B. Bandyopadhyay.
Joint Sectary to the Government of
West Bengal.

Copy forwarded for information & necessary action to :

1. The Commissioner,.....Division.
2. The Director of Land Records & Surveys, & Jt. Land Reforms Commissioner,
West Bengal, 35, Gopal Nagar Road, Alipore, Kolkata – 700 027.
3. The District Magistrate & Collector.
4. The District Land & Land Reforms Officer.

K.B. Bandyopadhyay
Joint Secretary to the Government of
West Bengal.

●

**Government of West Bengal
Land and Land Reforms Department
(Land Acquisition Wing)
Writers' Buildings, Kolkata – 1.**

No.1111(19)-LA/3M-04/05.

Dated: 04.04.2006.

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

**To
The Collector / 1st LAC, Kolkata.**

Subject : Clarification regarding compulsory acquisition of land vested under any other law, whether settled or not settled.

Whereas, clarification have been sought for by some L.A. Collectors, regarding the manner of disposal of L.A. Cases pertaining to land already vested by operation of any other law and now settled through patta or by lease or still retained by the Collector pending such settlement and the mode as well as the manner of paying compensation for compulsory acquisition of such land.

Now, after careful consideration of the matter, the Governor is hereby pleased to order as follows :-

- (1) Any land, even if vested to the State by operation of any other law and such land is settled on long term lease basis or by issuance patta or still pending for such settlement, shall come under the purview of compulsory acquisition of land under the Land Acquisition Act, 1894.
- (2) Notices should be given to concerned patta-holders and lease holders for land settled and such notices should be given to the Collector for land yet to be settled and all procedures relating to acquisition of land shall be observed in finalizing the L.A. proceedings. However, the award of compensation be made for the aforesaid categories of holdings in the manner prescribed below :-
 - a) Award should be declared in favour of the Collector, if the land already vested is still not distributed or leased out. The award shall include market value of land and 12% additional compensation but not 30% solatium. The Collector shall deposit the awarded amount in the appropriate Receipt Head of L&L.R. Department.
 - b) If patta was issued over the land in question, award shall be declared in favour of the patta-holder or his successors-in-interest. Such award shall include all the elements as provided U/s. 23 of the L.A. Act, 1894 including solatium.
 - c) If any land is acquired under L.A. Act of 1894, which is a land held by a long term lessee, the lessee shall lose all his lease hold interest with effect from the

date of declaration U/s. 6 of the said Act and the lease holder shall be compensated in the manner specified below :

- i) Out of the amount of salami realized from lessee, the calculated balance of such amount for the remaining years of the lease period, shall be refunded together with 6.25% p.a. interest for the years for which the refundable balance was with the Government. (For example, if a lease was granted for 30 years realizing Rs.60,000.00 as salami and the lease is terminated after 10 years the lessee shall be refunded Rs.40,000.00 (as principal) + interest on Rs.40,00.00 @ 6.25% for 10 years.
 - ii) Besides, the lessee shall get valuation of the structure(s), if any, erected by him after obtaining the lease.
 - iii) However as on termination of lease on declaration U/s. 6 of the Act, the land gets resumed to State, the market value of the land shall be payable to the Collector including 12% of additional compensation but excluding solatium, deducting the refund.
- (3) All such costs shall be borne by the requiring body as a part of L.A. cost and Land Acquisition Collector should include these elements while preparing the estimate.

This order is issued in supersession of this Department's G.O. No.1682-LA/3M-04/05, dated 06.07.2005.

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

No.1111(19)/1(500)-LA.

Dated : 04.04.2006.

Copy for warded to :

- 1) The Divisional Commissioner, Presidency Division/Burdwan Division/Jalpaiguri Division.
- 2) The District Magistrate & Land Acquisition Collector,District, P.O....., District, West Bengal.
- 3) The Additional District Magistrate (LA)/Spl. Land Acquisition Collector, District....., West Bengal.
- 4) The L.A. Collector, Kolkata, 5, Bankshall Street, Kolkata – 700 001.
- 5) The A.D.M. & D.L.L.R.O.,.....District, West Bengal.
- 6) The B.L.L.R.O.,Block.
- 7) Guard File of L.A.Wing of the Department.

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

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Government of West Bengal
Land & Land Reforms Department
Land Acquisition Branch

O R D E R

G.O. No.1705-LA-3M-07/06

Kolkata, the 6th June, 2006

Subject : Guidelines to be followed in the matter of assessment of market value of land.

Whereas, it has appeared to be extremely urgent and necessary to clarify certain common queries of the field level officers and also for bringing uniformity in the matter of preparation of valuation sheet by the Land Acquisition Offices in terms of certain established basic norms and principles regarding fixation of market value of land,

separately for different class-category of lands, the Governor is hereby pleased to order that the Guidelines prescribed hereinafter in the matter of assessment of market value of land shall be strictly followed by all concerned with immediate effect :

1. What is market Value :

The “market value of land” shall be assessed, both for the purpose of land acquisition and land settlement, on the basis of value of land as mentioned by the vendor and vendee in the concerned deed of sale and not as assessed and noted by the sub-registrar for the purpose of fixing up stamp duty and registration. Property value fixed by registering authority for stamp duty cannot be taken as legally acceptable method for fixation of market value :

“The market value of a piece of property for the purpose of Section 23 is stated to be the price at which the property changes hands from a willing seller to a willing buyer, but not too anxious a buyer, dealing at an arm’s length”. Vide Periyar and Pareek Annai Rubber Ltd. = Versus = State of Kerala [1991(4)SCC 195, page 203].

2. Sale deed of similar land :

Most ideal method is to take market value from the Sale-deeds of similar land in the “nearest past” in the “nearest vicinity”. It has been noticed that majority judgments of the Supreme Court are in favour of assessing market value of a land, taking sale deed price of the sales conducted in the same area within nearest past. “Price fetched by similar land.....in nearest past time are most usual and best evidence of market value” vide Administrator of West Bengal Versus Collector, Varanasi, AIR-1988 SC 943; AIR-1988(2) SCC 321; AIR 1989(4) SCC 250; AIR-1989 SC 2051.

3. Market-price to be fixed for all possible/all basic type – class of land :

For the purpose of administrative convenience and for the sake of justice, it is hereby further ordered that the land value shall be assessed separately, at least, for the following seven type-class in the rural area as mentioned in Form No.SDCS-2006 and the following five type-class in the urban area as specified hereinafter :

- (i) Land under residential use ;
- (ii) Land under commercial and industrial use ;
- (iii) Waterbodies ;
- (iv) Public utility land (public roads, parks, Smashan Ghat, Burial Ground, land under departmental use);
- (v) Land not covered by any of the aforesaid four type-class.

Again, additionality of land value for each individual parcel of land can be considered on the basis of it’s connectivity with and access to different type of roads as well as on account of it’s locational advantage particularly in the urban areas, which has been elaborated hereinafter.

4. Minimum number of sale-data to be depended upon :

For the purpose of administrative convenience and for the sake of justice, for each of the specified type-class of land, as separately mentioned for rural and urban land, at least 10 and up to 20 current sale data to be collected and placed chronologically in the prescribed format of the Sale-data-collection-sheet, without dropping any sale data of the relevant type-class that took place in the concerned mouza, putting the sale figures from nearest time up to 12 months back data, and the period of 12 months can be extended up to such number of months not exceeding 36 months as may be required to get at least 10 sale data for the relevant type-class of land. Sale price shall be increased by 5% per annum, if the

sale data are collected from a period beyond 12 months and up to 36 months. In case, even by such approach 10 sale data for any type-class of land of a particular mouza are not available from the office of concerned Sub-Registrar, then sale data for the relevant type-class of land from adjacent Mouza shall be obtained. In case within a period of 12 months, in any particular mouza for any particular type-class of land, more than 10 and up to 20 sales have taken place, no sale shall be omitted for any reason whatsoever.

5. Prescribed Sale-data collection Sheet :

The common Sale-data collection Sheet [vide Form No. SDCS-2006] shall be used for collection of sale data in each mouza for each category of land-class CHRONOLOGICALLY without DROPPING any sale of the concerned sale in concerned type-class. After collecting the sale data for each type-class of land from each mouza in the prescribed format, the fixation of fair and reasonable average market value of any type-class of land shall be done giving necessary reasoned analysis for such fixation of market value, which shall be known as “value assessment sheet” to be prepared and signed by the BL&LRO and countersigned by DL&LRO for LR Wing of the concerned district in connection with sending proposals for granting long-term lease and for the purpose of land acquisition cases “value assessment sheet” has to be prepared and signed by an officer not below the rank of LAO and countersigned by Spl. L.A.O. of the concerned district.

6. Discarding of too High and too LOW sale-prices :

For the purpose of fixation of fair and reasonable average market value of any type-class of land, abnormally high value or abnormally low value sales should be carefully discarded. Normally more than 200% higher or lower value on and over the average value reflected in majority of sale deeds shall be considered to be abnormally high i.e. “Fancy Sale” or low value i.e. “Distress Sale” and such sales may be discarded and thereafter, taking the average value of the remaining sales for the concerned type-class of land, the fair and reasonable average market value shall be fixed.

7. Application of belting method, when needed :

It may be specially noted that application of belting method should not be adopted indiscriminately as a pedantic exercise, as case laws have guided so adequately on this subject. However, the following instructions should be kept in mind while question of application of belting method comes into consideration :

- (i) For general guidance of the persons engaged for valuation of market price, it may be mentioned that belting method does not apply where the applicable land has no connectivity with access roads. The belting method though used in urban areas where even in the same plot of land the interior part is priced low, some times 50% lower than the frontal portion which is connected with road; but this belting method has been also questioned by various High Courts including the Supreme Court on the basis of “absolute artificiality and extra ordinariness of such awarding high price for the 50% of the frontal area and giving 50% price for the back side area” vide Nityogopal Sen Poddar – Versus – Secretary of State AIR 1933 Cal-25.
- (ii) “Division of a plot into belts is adopted by experts only when an entire property cannot be utilized as being a road-side land” vide Balbir Singh – Versus – State of Hariyana (1983) Punjab (DB).
- (iii) “Belting system, if applied, would not further the end of the justice so as to afford relief of just and equitable compensation” vide AIR [1982] Bombay, 440.
- (iv) The belting method shall not be, therefore, generally applied until the land is located in well developed urban centers, municipalities and corporations.

8. When reasonable difficulties arise in determining market value :

There may be genuine difficulties to get adequate number of sale data or sale data not reflecting the real market value while sales relate to tribal lands. It is a known fact that in any tribal village or tribal dominated village, where the sale of tribal land is restricted by law, allowing sales only within the tribal community, the real market price or open and free market price can hardly be reflected by such sales between the tribals. Again there may be a situation in a particular Mouza where adequate number of sales of concerned category of land have not taken place during one year or extended period of 3 years or adequate number of sale for the concerned category of land in contiguous 3 villages around the concerned mouzas are also not available, the following procedures may be adopted in fixing up fair and reasonable market price of each concerned category of land :

- (a) In the tribal village and tribal dominated village, sale deed of land conducted between non-tribal vendors and non-tribal vendees should be taken for consideration if the number is not less than that prescribed to be for each category of land ;;
- (b) If the number of sale deed are so available in any mouza, may be tribal dominated mouza or otherwise, the average price of the available number of sale deed should be collected and supplied in the prescribed form and average market price should be determined in the prescribed manner. But if such average price comes below the standard average price for any of the following category of land, as mentioned below, then the standard average price shall be considered as a fair and reasonable market price but if the average price from the average determination out of the available sale deeds, in any particular category of land, appears to be higher than the standar average price, the said higher price shall be considered to be fair and reasonable price;
- (c) The standard average price, until further modified from time to time, shall be taken as follows :
 - (i) Non-Irrigation (single crop) agricultural land = Rs.1.5 lakh per acre.
 - (ii) Irrigated double/triple crop agricultural land = Rs.2 lakh per acre.
 - (iii) Homestead land = Re.2.25 lakh per acre.
 - (iv) Fallow/waste land = Rs.80,000 per acre.
 - (v) Water body (pond, tank, beel) = 1 lakh per acre.
 - (vi) Commercially and industrially used land = Rs. 3 lakh per acre.
 - (vii) Public utility land [i.e. land used as place of worship, burning ghat, private market place, asset for common property resources, non-agricultural vested land allotted to any public use or any other vested land not used by Government department or for public utility services] = Rs.80,000 per acre.

N.B.: Additionality of price shall, however, be always allowed on an over standard average price as per Schedule – I of this order.

9. Big chunk of land considered for a single sale should get discount over average land value of ordinary plots :

Small plots are sold generally at a high cost and hence big chunk of land in a single plot or a contiguous plot sold by one sale deed deserve discount in price vide Triveni Devi, 1984(2) SCC 324, 1984(2) SCR 900, Bhagabathul Samanno – Versus – Special Tehisildar and Land Acquisition Officer, 1991(4) SCC 506, page 509. Even such discount may be up to 33.33% as was decided by the

Hon'ble Supreme Court in the matter of Smt. Kausalya Devi, Bogra = Vs = Land Acquisition Collector, Aurangabad (AIR 1984, Page 892, SC).

10. After careful consideration of the direction of the Court, and in cancellation of all earlier instructions on this subject, the Governor is hereby pleased to further order that proportionate deduction in fixation of the value of big holdings, on the basis of sale-date of ordinary holdings, shall be allowed at the percentage prescribed in the schedule below :

Schedule for discount to be allowed for fixing of land price for acquisition as well as settlement of a big chunk of land in a single plot or a contiguous plot acquired, settled or sold by one deed of transfer –

- [a] a total holding exceeding 3 acres but not exceeding 5 acres in one plot / contiguous plots..... 10%
- [b] a total holding exceeding 5 acres but not exceeding 10 acres in one plot/contiguous plots..... 12%
- [c] a total holding exceeding 10 acres but not exceeding 15 acres in one plot/contiguous plots..... 15%
- [d] a total holding exceeding 15 acres but not exceeding 20 acres in one plot/contiguous plots..... 20%
- [e] a total holding exceeding 20 acres but not exceeding 24.22 acres in one plot/contiguous plots..... 25%
- [f] a total holding exceeding 24.22 acres..... 33.33%

11. Recognizing open truth of higher value of land on the basis of location-cum-connectivity-related advantages :

It is an open fact and a matter of common knowledge that “medium or average value” of any type-class of land does not reflect the value of such parcels of land which has specific locational advantage as well as road-accessibility advantage, and hence it make injustice in award making if value-addition is not made on that account; and this violates the clear direction of the Constitution of India to pay compensation at a rate “which shall not be less than the market value thereof” and unnecessarily invites most avoidable court cases. Therefore, in the interest of proper and appropriate justice to the land losers and to protect the fundamental rights of a citizen, all attempts should be taken to award enhanced price for each parcel of land, to the extend possible, on the basis of their accessibility to different kind of roads and thoroughfare and locational advantages particularly in urban areas and commercially developed pockets. With this intention, two schedules are annexed with this circular for general guidance in value fixation, the Schedule – I deals with the additionality that may be allowed in price of a plot of land having direct access to different kinds of roads mainly applicable in the rural areas; and the Schedule – II indicates the additionality of price that may be awarded for having direct as well as indirect access to different kinds of roads and avenues by such percentage as indicated on account of locational/positional advantage of a plot of land, i.e. in the municipal and corporation area or even in notified areas, there may be strong justification to award additional value of land on the basis of both locational/positional advantage as well as for a plot in highly developed urban area, having direct and indirect access to different kinds of roads and avenues. In the matter of principle of value-fixation, the Hon'ble Supreme Court of India has directed in various cases to make necessary value addition to all categories of land having locational advantages specifically having connectivity or accessibility with roads. In its judgement in the case of Union of India -Versus- Mangatu Ram (1997), 6 SEC 59 (para IV), the court directed that “principle of value addition on account of acquisition of land abutting the National Highway would necessary be granted higher market value than the lands situated in the interior”.

12. Any estimate sent by any L.A. Collector without enclosing the "Sale-data collection sheet" in the prescribed format [Form No.SDCS-2006] for each prescribed type-class of land for each concerned mouza as well as along with "assessment calculation sheet" shall not be entertained for consideration/approval and issuance of an appropriate Government Order. Similarly, for the purpose of approval, any long-term settlement proposal, by fixing up appropriate selami and rent cannot be entertained by the Department if the same is not submitted along with land sale data sheet in the prescribed format for each prescribed type-class of land for each concerned mouza as well as with assessment calculation sheet.
13. The State Government may, in any special case obtained valuation separately from LA wing as well as LR Wing of the same district for same land for specific and special cases.
14. The Governor is further pleased to direct that no Government official or Government machinery can with knowledge and intent, deny such fundamental rights of the land owners as articulated and enshrined so vividly in the Constitution of India, in its Article No.31A where it reads as below :

"... it shall not be lawful for the State to acquire any portion of such land as is within the ceiling limit applicable to him under any law for the time being in force or any building or structure standing thereon or appurtenant thereto unless the law relating to the acquisition of such land, building or structure, provides for payment of compensation at a rate "which shall not be less than the market value thereof."

This order shall take immediate effect from 6th June, 2006 and remain in force until further orders.

By order of the Governor.

SUKUMAR DAS
Principal Secretary to the
Government of West Bengal.

G.O. No.1705-LA-3M-07/06.

Kolkata, the 6th June, 2006.

Copy forwarded for information and necessary action to :-

- 1) The Divisional Commissioner, Presidency Division/Burdwan Division/Jalpaiguri Division.
- 2) The Director of Land Records & Surveys, Survey Buildings, 35, Gopalnagar Road, Alipore, Kolkata – 700 027.
- 3) The District Magistrate & Land Acquisition Collector, District, P.O. District, West Bengal.
- 4) The Additional District Magistrate (LA)/Spl. Land Acquisition Collector.....District, West Bengal.
- 5) The LA Collector, Kolkata, 5, Bankshall Street, Kolkata – 700 001.
- 6) The ADM & DL & LRO,District, West Bengal.
- 7) The BL & LRO,Block,District, West Bengal.
- 8) Guard File of L.A. Wing of the Department.

SUKUMAR DAS
Principal Secretary to the
Government of West Bengal.

Schedule – I

Formula for percentage increase in land-value in RURAL AREAS for direct-road-connection of the concerned plot

Additional value to be added by % for each plot having the following class type of direct-road-connectivity as mentioned below :

1. National/State High Ways, Arterial Road [16-ft and above]
CODE... No....NSHW-AR..... @10.0%
2. Major Metal Roads [Above 8-ft, less than 16-ft]
CODE.... No..... MMR..... @ 7.5%
3. Other Metal Road [Above 4-ft, less than 8-ft]
CODE No.....OMR..... @ 5.0%
4. Non-Metal Public Road [Above 4-ft, less than 8-ft]
CODE No.....NMPR..... @ 2.5%

Schedule – II

Formula for percentage-increase in land-value in Municipalities & Municipal Corporations

For direct-road-connectivity-related advantages

Additional value to be added by % for each plot having the following class-type of road-connectivity as mentioned below :-

1. National/State High-Ways, Avenues, Arterial Road [16-ft and above]
CODE... No.....NSHW-AVAR..... @10.0%
2. Major Metal Roads [Above 8-ft, less than 16-ft]
CODE No.....MMR..... @ 7.5%
3. Other Metal Road [Above 4-ft, less than 8-ft]
CODE No.....OMR..... @ 5.0%
4. Metal Road, Lane, Bye-Lane [Above 4-ft, less than 8-ft]
CODE NO...MRLBL..... @ 2.5%

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Government of West Bengal
Land and Land Reforms Department
L.R. Branch
Writers' Buildings, Kolkata – 700 001.

ORDER

No.3717-LR/IL-167/02 GE(M).

Dated : 15.12.2006.

Whereas it was decided that only in cases where long term settlement proposal relates to homestead or residential purpose involving Government land not more than 10 (ten) decimal, such proposals should be submitted by the District Land and Land Reforms Officer / Collector concerned directly to the State Government in the Land and Land Reforms Department under intimation to the Divisional Commissioner concerned for its consideration as communicated vide Memo No. 2679(40)-LR dated 02.08.2005.

And whereas it has been considered necessary to follow the same procedure in respect of all the cases relating to long term settlement of Government land for any purpose whatsoever in order to reduce the time for disposing of the cases.

Now, therefore, after careful consideration of the matter, the Governor is pleased hereby to direct that all the proposal for long term settlement of Government land should be processed by the District Land & Land Reforms Officer within the specified time and

the same should be submitted directly to the State Government in the Land and Land Reforms Department by the District Land and Land Reforms Officer along with the assessment sheet accompanied with the current sale data collection figures in the manner prescribed for its consideration. The District Land and Land Reforms Officer will get a certificate either from the Sub Registrar concerned or from the concerned Block Land and Land Reforms Officer that requisite sales have been collected without dropping any date of the concerned sale in concerned type class.

The issues in modification of memo. no.2679(40)-LR dated 02.08.2005 and in supersession of all previous orders, whatsoever, issued in this regard.

By Order of the Governor,
Sd/- Illegible
Pr. Secy. to the Govt. of W.B.

No.3717/1(47)/LR.

Dated : 15.12.2006.

Copy forwarded for information and necessary action to :-

1. The Commissioner,Division,
P.O. & District -
2. The Director of Land Records and Surveys, West Bengal and Joint Land Reforms
Commissioner, West Bengal, 35, Gopal Nagar Road, Kolkata - 700 027.
3. The District Magistrate & Collector,
4. The A.D.M. & D.L.L.R.O.,.....
5. The Joint Secretary.....of this Department.

D. Bandyopadhyay
Jt. Secy. to the Govt. of W.B.

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**Government of West Bengal
Land and Land Reforms Department
Land Reforms Branch
Writers' Buildings, Kolkata - 700 001.**

ORDER

No.3718-LR/1L-167/02 GE (M).

Dated : 15.12.2006

Whereas it appears that the proposal for long term settlement or transfer of any Government land is initiated by the District Land and Land Reforms Officer on getting the market value of the land assessed by the L.A. Collector of the District within which such land is situated;

And Whereas order has been issued prescribing the guidelines to be followed in the matter of assessment of market value of land both for the purpose of land acquisition and land settlement vide G.O. No.1705-LA dated 6th June, 2006. Copy of G.O. No.1705-LA dated 6th June, 2006 and a copy of sale data collection sheet are also enclosed;

And whereas it has been considered necessary to authorize the District Land and Land Reforms Officer to assess market value of the land in respect of all the cases pertaining to long term settlement or transfer of such land in order to reduce the time for disposing of such cases;

Now, the Governor, after careful consideration of the matter, is pleased hereby to direct that in respect of all the cases pertaining to long term settlement or transfer of Government land market value should be assessed by the District Land and Land Reforms Officer in accordance with the principle and procedure laid down in G.O. No.1705-L.A. dated 6th June, 2006 and the District Land and Land Reforms Officer will

get a certificate either from the Sub Registrar concerned or from the concerned Block Land and Land Reforms Officer that requisite sales have been collected without dropping any data of the concerned sale in concerned type class;

The Governor is further pleased to direct that no proposal for long term settlement or transfer of Government land shall be considered for sanction unless the market value of the land proposed for settlement or transfer is assessed in accordance with the principle and procedure laid down in G.O. No. 1705-L.A. dated 6th June, 2006 and the assessment sheet accompanied with the sale data collection figure in the prescribed forms is furnished with such proposal.

By Order of the Governor,
Sd/-
Pr. Secy. To the Govt. of W.B.

No.3718/1(47)-LR.

Dated : 15.12.2006.

Copy forwarded for information and necessary action to :-

1. The Commissioner,Division,
P.O. & District -
2. The Director of Land Records and Surveys, West Bengal and Joint Land Reforms
Commissioner, West Bengal, 35, Gopal Nagar Road, Kolkata - 700 027.
3. The District Magistrate & Collector,
4. The A.D.M. & D.L.L.R.O.,.....
5. The Joint Secretary.....of this Department.

D. Bandyopadhyay
Jt. Secy. to the Govt. of W.B.

Government of West Bengal
Land and Land Reforms Department
L. R. Branch
Writers' Buildings, Kolkata- 700 001.

No.3719-LR/1L-167/02 GE (M).

Dated : 15.12.2006

Whereas for long term settlement of Government land salami and rent are determined on current market value of such land proposed for settlement with the prospective lessee selected for the purpose;

And whereas it has been considered necessary to follow the same principle in respect of long term settlement of Government land with the occupiers of such land proposed for settlement;

Now, the Government, after careful consideration of the matter, is pleased hereby to direct that in respect of long term settlement of Government land with the occupiers of such land salami and rent shall be determined on current market value which shall be the date of the application for such settlement provided that the date of such application and the date of initiation of the settlement proposal including collection of sale data does not exceed six months. In case the date of application is more than six months old than the date of initiation of the settlement proposal including collection of sale data, the date of collection of the sale data for sending such proposal for sanction shall ordinarily be the date for assessment of current market value. The District Land and Land Reforms Officer will get a certificate either from the Sub Registrar concerned or from the concerned Block Land and Land Reforms Officer that requisite sales have been collected without dropping any data of the concerned sale in concerned type class.

The Governor is also pleased to direct that the occupiers concerned with whom long term settlement is proposed shall be liable to pay rent at par with the land revenue along with interest @ 6.25% per annum from the date of occupation of such land up to the date of application for long term settlement which shall be the date of giving effect to such settlement.

The Governor is further pleased to direct that the cases where orders sanctioning long term settlement of any land with the occupiers concerned have already been issued shall not be reopened for determination of salami and rent on current market value in the manner as aforesaid.

This issues in cancellation of Order No.1280-GE (M) dated 11.05.2004.

By Order of the Governor.
Sd/- Illegible
Pr. Secy. to the Govt. of West Bengal.

No.3719/I(47)-LR.

Dated : 15.12.2006.

Copy forwarded for information and necessary action to :-

1. The Commissioner,Division,
P.O. & District -
2. The Director of Land Records and Surveys, West Bengal and Joint Land Reforms
Commissioner, West Bengal, 35, Gopal Nagar Road, Kolkata – 700 027.
3. The District Magistrate & Collector,
4. The A.D.M. & D.L.L.R.O.,.....
5. The Joint Secretary.....of this Department.

D. Bandyopadhyay
Jt. Secy. to the Govt. of W.B.

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

NOTIFICATION

No.1710-LR/56/07-LR/1C

Dated : 21.03.2007.

WHEREAS an Act titled as the 'Persons with Disabilities (Equal Opportunities, Protection of rights and Full participation) Act, 1995' (hereinafter called as said Act) was enacted by the Parliament of India for disable persons as defined in the said Act and the same had come into effect from 1st day of January, 1996;

AND WHEREAS in Section 43 of the said Act it has been provided that the appropriate Government and local authorities shall by notification frame schemes in favour of persons with disabilities for the preferential allotment of land at concessional rates for house, setting up of business, setting up of special recreating centers, establishment of special schools, establishment of research centers and establishment of factories by entrepreneurs with disabilities;

AND WHEREAS it was requested by the Government of India to initiate necessary action by the State Government for implementation of Section 43 of the said Act so that the disabled persons are able to derive benefits under the said Act;

AND WHEREAS the matter was under active consideration of the State Government for sometimes past to frame schemes such as preferential allotment of land

at concessional rates for house, setting up of business, setting up of special recreating centers, establishment of special schools, establishment of research centres and establishment of factories by entrepreneurs with disabilities particularly for such disable persons as defined in the said Act;

NOW, the Governor after considering all the aspects, is pleased hereby to direct that the disable persons as defined in the said Act should get preferential allotment of land at concessional rates for house, setting up of business, setting up of special recreating centers, establishment of special schools, establishment of research centers and establishment of factories by entrepreneurs with disabilities in getting long term lease of such land on case to case basis subject to observance of usual formalities.

By order of the Governor
M.K. Sarkar
Spl. Secy. to the Govt. of West Bengal

No.1710/1(41)-LR.

Dated : 21.03.2007

Copy forwarded for information and necessary action to the :

1. Principal Secretary to the Government of West Bengal, Department of Women & Child Development and Social Welfare.
2. Commissioner, Burdwan/Presidency/Jalpaiguri Division.
3. Director of Land Records & Surveys, West Bengal and Joint Land Reforms Commissioner, West Bengal.
4. District Magistrate & Collector, Purba Medinipur / Paschim Medinipur / Bankura / Purulia / Birbhum / Burdwan / Hooghly / Howrah / South 24 Parganas / North 24 Parganas / Nadia / Murshidabad / Malda / Dakshin Dinajpur / Uttar Dinajpur / Darjeeling / Jalpaiguri / Coochbehar.
5. A.D.M. & D.L.L.R.O., Purba Medinipur / Paschim Medinipur / Bankura / Purulia / Birbhum / Burdwan / Hooghly / Howrah / South 24 Parganas / North 24 Parganas / Nadia / Murshidabad / Malda / Dakshin Dinajpur / Uttar Dinajpur / Darjeeling / Jalpaiguri / Coochbehar.

M.K. Sarkar
Spl. Secy. to the Govt. of West Bengal

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SPECIMEN FORM OF LEASE FOR 30 YEARS

THIS INDENTURE OF LEASE made this day of 20.....
BETWEEN THE GOVERNOR OF THE STATE OF WEST BENGAL hereinafter called the
'LESSOR' (which expression unless excluded by or repugnant to the context be deemed to
include his successor-in-office and assigns) of the ONE PART.

a) AND.....being a citizen of India, son of
.....residing at hereinafter
called the 'LESSEE' (which term unless excluded by or repugnant to the context be
deemed to include his heirs, executors, administrators, representatives and assigns) of
the OTHER PART.

[Applicable in case of an individual]

b) ANDbeing a Citizen of India, Son of
.....residing at and
..... being a Citizen of India, son of, residing
at.....and carrying on business in co-partnership under the
name and style ofat.....hereinafter called the
'LESSEE' (which term unless excluded by or repugnant to the context be deemed to
include their respective heirs, executors, administrators, representatives and permitted
assigns and/or the partners for the time being of the said firm
of.....and their respective heirs,
executors, administrators, successors and permitted assigns) of the OTHER PART.

[Applicable in case of partnership firm]

c) AND.....a Company registered under the Companies Act, 1956 having its registered office at.....hereinafter called the 'LESEE' (which term unless excluded by or repugnant to the context be deemed to include its successors and assigns) of the OTHER PART.

[Applicable in case of a Company]

d) ANDat hereinafter called the 'LESSEE' (which term unless excluded by or repugnant to the context be deemed to include its successors and assigns) of the OTHER PART.

[Applicable in case of Municipality, Corporation, Development Authority etc.]

WHEREAS the LESSEE has applied for permission to occupy for the purpose ofthe land hereinafter mentioned and described in **Part-I** of the Schedule hereunder written and WHEREAS such application has received the approval of the State Government in the Land and Land Reforms Department.

NOW THIS INDENTURE WITNESSETH that in consideration of the payment to the LESSOR by the LESSEE of the sum of Rs. on or before the execution of these presents and of the rent hereby reserved and fully mentioned in **Part-II** of the Schedule hereunder written and of the covenants and conditions contained in **Part-II** of the Schedule hereunder written on the part of the LESSEE to be paid, observed and performed, the LESSOR doth hereby demise unto the LESSEE all that piece or parcel of land more particularly delineated in the plan hereunto annexed and described in **Part-I** of the Schedule hereunder written TO HOLD the same unto the LESSEE for the period of thirty (30) years from theday of.....yielding and paying therefore the rents at the time and in the manner specified in **Part-II** of the said Schedule hereunder written.

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

Signed, Sealed and Delivered by :-

.....
(Name and Designation)

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

1 _____
(Signature & Address of witness)

2 _____

Signature (with seal)

Signed, Sealed and Delivered by :-

(Name and Designation)

Signature (with seal)

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

1 _____
(Signature & Address of Witness)

2 _____
(Signature & Address of Witness)

The Schedule above referred to

Part - I

Particulars of the Plot of Land

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

North :
East :
South :
West :

Part-II

1. The LESSEE shall carry out the terms embodied in this lease and will continue to be bound thereby.
2. The LESSEE shall pay annual rent of Rs.
(Rupees.....) only of the leasehold plot of land in the District Land & Land Reforms Office of
in equal half-yearly instalments as hereunder stated.

	Instalment of rent	
	Rs.	P.
First instalment	on	
Second instalment	on	

3. In default of payment of any instalment of rent within any Bengali year in which the rent falls due the LESSEE shall be bound to pay in addition to the arrear of the rent interest @ 6 ¼ per cent per annum on the amount of the rent in arrear from the end of the said Bengali year till the day of payment and the arrear with interest payable thereon shall be realizable as a public demand under the Bengal Public Demands Recovery Act or any statutory modification thereof for the time being in force.
4. In the event of the LESSEE holding over after the expiration of the period of this demise the LESSEE shall be held liable on account of any year subsequent to the expiry of the period of this demise for the rent at such rate as may be assessed upon the demised land at the revision of settlement.
5. Should be LESSEE duly and faithfully observe and fulfill the terms, conditions and covenants on the part of the LESSEE hereincontained, the LESSEE shall on the expiration of the aforesaid period of thirty years be entitled to have a renewal of this lease for a further period of thirty years upon the same terms and conditions and to such other terms and conditions and on payment of such rent as the State Government may from time to time consider it necessary to impose and include in such renewed lease or leases.
6. a) The LESSEE shall not transfer or assign his leasehold interest on the demised land, whether in full or in part, without formal permission of the District Land and Land Reforms Officer who shall obtain prior approval of the State Government in granting such permission. Provided that no such permission shall be necessary for transfer or assignment of leasehold interest to the successor by inheritance.
b) The transferee or assignee or successor by inheritance of the leasehold interest on the demised land shall duly get their names registered in the District Land and Land Reforms Office within three calendar months after obtaining possession of the

land and will possess and use the land and be bound by all terms, conditions and covenants herein contained.

c) The transferee or assignee, other than successor by inheritance, shall be required to enter into fresh lease after expiry of the unexpired period of this lease on such terms and conditions and on payment of such salami and annual rent as the State Government may then fixed in granting such fresh lease.

7. The LESSEE shall not in any way diminish the value or injure or make any permanent alterations in the said demised land without the previous written consent of the District Land and Land Reforms Officer and shall not sell or dispose of any earth, clay, gravel, sand or stone from the demised land as stated in Clause 16 of these presents nor excavate the same except so far as may be necessary for the execution of the works for which the land has been leased out. In the event of making any ditch or excavation, which causes injury to the property without the consent of the District Land and Land Reforms Officer, the District Land and Land Reforms Officer shall cause a notice to be served upon the LESSEE asking him to fill the ditch or excavation. Within one month from the date of receipt of such notice the LESSEE shall comply with the instruction and report compliance to the District Land and Land Reforms Officer.

8. The LESSEE shall keep the land free from jungle and all sorts of nuisance. On his failure to do so, the District Land and Land Reforms Officer shall cause a notice to be served upon the LESSEE asking him to remove the same. Within one month from the date of receipt of the notice the LESSEE shall comply with the instruction and report compliance to the District Land and Land Reforms Officer.

9. The LESSEE shall pay and discharge all existing and future rates, taxes and assessment, duties, imposition, outgoing and burdens whatever assessed, charged or imposed upon the demised premises or upon the LESSEE or occupier thereof.

10. The LESSEE shall preserve intact the boundaries of the holding and keep them well demarcated according to the requisition of the District Land and Land Reforms Officer. For the purpose of identification of boundary, boundary marks should be fixed as per specification to be prescribed by the District Land and Land Reforms Officer. It will be the duty of the LESSEE to maintain all the boundary marks in good condition. Should any boundary mark be missing the LESSEE shall report the fact to the District Land and Land Reforms Officer. On receipt of the report the District Land and Land Reforms Officer shall arrange relocation of the position of missing marks. Marks shall be restored by the LESSEE immediately after relocation of the position at his own expenses.

11. The LESSEE shall not be entitled to convert the demised land or any part thereof into a place of religious worship without the previous consent of the LESSOR obtained in writing or use or allow the demised premises or any part thereof to be used as place for cremation or burial.

12. The LESSEE shall not use or permit any other persons to use the demised land or any part thereof for a purpose other than that for which it is leased or in a manner which renders it unfit for use for the purpose of the lease.

13. The LESSEE shall not use nor permit any other person to use the demised land or any share or portion thereof for any immoral, illegal or unsocial purposes in any manner so as to become a source of grave danger to the public peace or public safety.

14. If the demised land or any part thereof shall, at any time, be required by Government for a public purpose the LESSEE shall give up the same on demand without any claim to compensation in respect of the said demised land. If the land is required permanently the lease shall forthwith be determined and the LESSEE shall be entitled to such fair and reasonable compensation for buildings and improvements effected by him as shall be decided by the District Land and Land Reforms Officer. If a part of the land is required, whether permanently or temporarily, or if the whole land is required temporarily the lease shall not be determined, but in the former case the LESSEE shall

be entitled to proportionate reduction of rent and in the latter case to a total remission of rent, and to such compensation in either cases as shall be decided by the District Land and Land Reforms Officer which shall be final.

15. The LESSEE shall not sublet a part or whole of the demised land in any manner whatsoever.

16. The LESSOR reserves to himself the right to all minerals on the lands together with such rights of way and other reasonable facilities as may be requisite for working, gathering and carrying away such minerals.

17. The LESSEE shall have to obtain necessary clearance from the appropriate authority such as West Bengal Pollution Control Board, Development Authority, Municipal Corporation, Municipality, Gram Panchayat etc. as may be required before executions of the work on the demised land for which it is leased and for failure to do so the lease shall forthwith be determined.

18. The LESSEE shall utilize the plot of land for the purpose for which it is leased within 3 (three) years from the date of issue of order sanctioning such lease failing which the LESSOR reserves the right to resume the plot of land after giving the LESSEE an opportunity of being heard.

19. The LESSEE shall permit the LESSOR and his agents on 24 hours' notice at all reasonable time during the erection of the buildings and subsequent thereto to enter upon the demised premises to view the condition of the buildings for the time being erected or in course of erection thereon and for all other reasonable purposes.

20. All fossils, coins, articles of ancient value or antiques and/or remains of geological and/or archaeological value or interest if found and/or retrieved from any part of the demised land the same shall be the absolute property of the LESSOR and the LESSEE shall ensure protection of the same until removal and/or retrieval by the LESSOR forthwith from detection.

21. On breach or non-observance of any of the foregoing covenants, terms or conditions rendering the demised land unfit for use for the purpose for which it is leased, the lease shall be determined/terminated by the LESSOR on giving the LESSEE an opportunity of being heard and the LESSEE shall forthwith make over quiet and peaceful possession of the lands and hereditaments to the District Land and Land Reforms Officer on behalf of the LESSOR.

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SPECIMEN FORM OF LEASE FOR 99 YEARS.

THIS INDENTURE OF LEASE made this day of 20..... BETWEEN THE GOVERNOR OF THE STATE OF WEST BENGAL hereinafter called the 'LESSOR' (which expression unless excluded by or repugnant to the context be deemed to include his successor-in-office and assigns) of the `ONE PART.

a) AND being a citizen of India, son of residing at hereinafter called the 'LESSEE' (which term unless excluded by or repugnant to the context be deemed to include his heirs, executors, administrators, representatives and assigns) of the OTHER PART.

[Applicable in case of an individual]

b) ANDbeing a Citizen of India, son of residing at and being a Citizen of India, son of residing at.....and carrying on business in co-partnership under the name and style ofat.....hereinafter called

the 'LESSEE' (which term unless excluded by or repugnant to the context be deemed to include their respective heirs, executors, administrators, representatives and permitted assigns and/or the partners for the time being of the said firm of and their respective heirs, executors, administrators, successors and permitted assigns) of the OTHER PART.

[Applicable in case of partnership firm]

c) AND.....a Company registered under the Companies Act, 1956 having its registered office at.....hereinafter called the 'LESEE' (which term unless excluded by or repugnant to the context be deemed to include its successors and assigns) of the OTHER PART.

[Applicable in case of a Company]

d) AND at hereinafter called the 'LESSEE' (which term unless excluded by or repugnant to the context be deemed to include its successors and assigns) of the OTHER PART.

[Applicable in case of Municipality, Corporation, Development Authority etc.]

WHEREAS the LESSEE has applied for permission to occupy for the purpose ofthe land hereinafter mentioned and described in **Part-I** of the Schedule hereunder written and **WHEREAS** such application has received the approval of the State Government in the Land and Land Reforms Department.

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

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

Signed, Sealed and Delivered by :-

(Name and Designation)

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

Signature (with seal)

1 _____
(Signature & Address of witness)

2 _____

Signed, Sealed and Delivered by :-

(Name and Designation)

Signature (with seal)

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

1 _____
(Signature & Address of Witness)

2 _____
(Signature & Address of witness)

The Schedule above referred to
Part - I
Particulars of the Plot of Land

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

Part-II

1. The LESSEE shall carry out the terms embodied in this lease and will continue to be bound thereby.
2. The LESSEE shall pay annual rent of Rs. (Rupees.....) only of the leasehold plot of land in the District Land & Land Reforms Office of within first 60 days of the year for which such rent is payable. In case of delay or default on the part of the LESSEE in payment of lease rent and other charges payable under these presents, the LESSEE shall be liable to pay without prejudice to the other rights of the LESSOR, interest @ 6 ¼% per annum on the amount of the rent in arrear till the day of payment.
3. All money payable by the LESSEE to the LESSOR under this deed shall, apart from other remedies, be realizable as a public demand under the Bengal Public Demands Recovery Act or any statutory modification thereof for the time being in force.
4. The LESSEE shall utilize the plot of land for the purpose for which it is leased within 3 (three) years from the date of issue of order sanctioning such lease failing which the LESSOR reserves the right to resume the plot of land after giving the LESSEE an opportunity of being heard.
5. The LESSEE shall be liable to pay such rent from time to time that may at any time hereafter be assessed, charged or imposed on the demised land in accordance with the direction of the State Government.
6. Should be LESSEE duly and faithfully observe and fulfill the terms, conditions and covenants on the part of the LESSEE herein contained, the LESSEE shall on the expiration of the aforesaid period of ninety-nine years be entitled to have a renewal of this lease for a further period of ninety-nine years upon the same terms and conditions

and to such other terms and conditions as the State Government may from time to time consider it necessary to impose and include in such renewed lease or leases.

7. a) The LESSEE shall not transfer or assign his leasehold interest on the demised land, whether in full or in part, without formal permission of the District Land and Land Reforms Officer who shall obtain prior approval of the State Government in granting such permission. Provided that no such permission shall be necessary for transfer or assignment of leasehold interest to the successor by inheritance.

b) The transferee or assignee or successor by inheritance of the leasehold interest on the demised land shall duly get their names registered in the District Land and Land Reforms Office within three calendar months after obtaining possession of the land and will possess and use the land and be bound by all terms, conditions and covenants herein contained.

c) The transferee or assignee, other than successor by inheritance, shall be required to enter into fresh lease after expiry of the unexpired period of this lease on such terms and conditions and on payment of such salami and annual rent as the State Government may then fixed in granting such fresh lease.

8. The LESSEE shall not in any way diminish the value or injure or make any permanent alterations in the said demised land without the previous written consent of the District Land and Land Reforms Officer and shall not sell or dispose of any earth, clay, gravel, sand or stone from the demised land as stated in Clause 17 of these presents nor excavate the same except so far as may be necessary for the execution of the works for which the land has been leased out. In the event of making any ditch or excavation, which causes injury to the property without the consent of the District Land and Land Reforms Officer, the District Land and Land Reforms Officer shall cause a notice to be served upon the LESSEE asking him to fill the ditch or excavation. Within one month from the date of receipt of such notice the LESSEE shall comply with the instruction and report compliance to the District Land and Land Reforms Officer.

9. The LESSEE shall keep the land free from jungle and all sorts of nuisance. On his failure to do so, the District Land and Land Reforms Officer shall cause a notice to be served upon the LESSEE asking him to remove the same. Within one month from the date of receipt of the notice the LESSEE shall comply with the instruction and report compliance to the District Land and Land Reforms Officer.

10. The LESSEE shall pay and discharge all existing and future rates, taxes and assessment, duties, imposition, outgoing and burdens whatever assessed, charged or imposed upon the demised premises or upon the LESSEE or occupier thereof.

11. The LESSEE shall preserve intact the boundaries of the holding and keep them well demarcated according to the requisition of the District Land and Land Reforms Officer. For the purpose of identification of boundary, boundary marks should be fixed as per specification to be prescribed by the District Land and Land Reforms Officer. It will be the duty of the LESSEE to maintain all the boundary marks in good condition. Should any boundary mark be missing the LESSEE shall report the fact to the District Land and Land Reforms Officer. On receipt of the report the District Land and Land Reforms Officer shall arrange relocation of the position of missing marks. Marks shall be restored by the LESSEE immediately after relocation of the position at his own expenses.

12. The LESSEE shall not be entitled to convert the demised land or any part thereof into a place of religious worship without the previous consent of the LESSOR obtained in writing or use or allow the demised premises or any part thereof to be used as place for cremation or burial.

13. The LESSEE shall not use or permit any other persons to use the demised land or any part thereof for a purpose other than that for which it is leased or in a manner which renders it unfit for use for the purpose of the lease.

14. The LESSEE shall not sublet a part or whole of the demised land in any manner whatsoever.
15. The LESSEE shall not use nor permit any other person to use the demised land or any share or portion thereof for any immoral, illegal or unsocial purposes in any manner so as to become a source of grave danger to the public peace or public safety.
16. If the demised land or any part thereof shall, at any time, be required by Government for a public purpose the LESSEE shall give up the same on demand without any claim to compensation in respect of the said demised land. If the land is required permanently the lease shall forthwith be determined and the LESSEE shall be entitled to such fair and reasonable compensation for buildings and improvements effected by him as shall be decided by the District Land and Land Reforms Officer. If a part of the land is required, whether permanently or temporarily, or if the whole land is required temporarily the lease shall not be determined, but in the former case the LESSEE shall be entitled to proportionate reduction of rent and in the latter case to a total remission of rent, and to such compensation in either cases as shall be decided by the District Land and Land Reforms Officer which shall be final.
17. The LESSOR reserves to himself the right to all minerals on the lands together with such rights of way and other reasonable facilities as may be requisite for working, gathering and carrying away such minerals.
18. The LESSEE shall have to obtain necessary clearance from the appropriate authority such as West Bengal Pollution Control Board, Development Authority, Municipal Corporation, Municipality, Gram Panchayat etc. as may be required before executions of the work on the demised land for which it is leased and for failure to do so the lease shall forthwith be determined.
19. The LESSEE shall permit the LESSOR and his agents on 24 hours' notice at all reasonable time during the erection of the buildings and subsequent thereto to enter upon the demised premises to view the condition of the buildings for the time being erected or in course of erection thereon and for all other reasonable purposes.
20. All fossils, coins, articles of ancient value or antiques and/or remains of geological and/or archaeological value or interest if found and/or retrieved from any part of the demised land the same shall be the absolute property of the LESSOR and the LESSEE shall ensure protection of the same until removal and/or retrieval by the LESSOR forthwith from detection.
21. On breach or non-observance of any of the foregoing covenants, terms or conditions rendering the demised land unfit for use for the purpose for which it is leased, the lease shall be determined/terminated by the LESSOR on giving the LESSEE an opportunity of being heard and the LESSEE shall forthwith make over quiet and peaceful possession of the lands and hereditaments to the District Land and Land Reforms Officer on behalf of the LESSOR.

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GOVERNMENT OF WEST BENGAL
Office of the Board of Revenue, West Bengal
Section 'A', G. E. Branch.

No.4827-G.E./378/76.

Dated Calcutta, the 16th April, 1977.

To
The Additional District Magistrate (Land Revenue),
Murshidabad.

Subject : Annulment of settlement of vested land consequent upon divesting of such land.

Reference : His Memo No.1007-L.R./En., dated 9th February, 1977.

The issue relates to cancellation of settlement in cases where vested lands given in raiyati settlement are subsequently found to have been vested irregularly and consequently divested.

2. The legal position, which has been endorsed by the law officers of Government, is discussed below :

As a result of divesting it ensues that Government had no right to give the land in settlement and in consequence the settlement, if made, is void ab-initio.

The Collector in such a case shall send an intimation to the allottee and others concerned about the fact of divesting of the land, take back the Patta and cancel it.

3. In this context it is enjoined that before cancellation of the patta the affected eligible allottee must be given an alternative piece of land, more or less of the same quantum, and Patta for the freshly allotted land be handed over simultaneously with the cancellation of the impounded one.

4. This has reference to the instructions issued under Board's Memo No.1910/1(17)-G.E., dated 9th February, 1977.

J.R. SAHA,
Secretary,
Board of Revenue, West Bengal.

Memo No.4827/1(16)-G.E.

Copy forwarded to the Additional District Magistrate (Land Revenue)/Additional Deputy Commissioner (Land Revenue),....., for information and guidance.

Calcutta
The 16th April, 1977.

J.R. SAHA,
Secretary,
Board of Revenue, West Bengal.

Memo. No.4827/2(3)-G.E.

Copy forwarded to the Commissioner,.....Division....., for information in continuation of Board's Memo No. 1910/2(3)-G.E., dated 9th February, 1977.

Calcutta
The 16th April, 1977.

J.R. SAHA,
Secretary,
Board of Revenue, West Bengal.

●

GOVERNMENT OF WEST BENGAL
Office of the Board of Revenue, West Bengal
Section A(I), G .E. Branch

No.13693(15)-G.E./549/78,

Dated : Calcutta, the 26th July, 1978.

To
The District Magistrate/Deputy Commissioner.....,

Subject : Review of cases of irregular distribution of vested lands.

In the Board of Revenue circular No.1403(15)-G.E., dated 3rd February, 1978, District Officers were requested to cause thorough enquiries into all cases of irregular distribution of vested land. It was enjoined that all previous distribution cases with necessary particulars should be displayed in the notice boards of Junior Land Reforms

Officer's office for a period of 15 days for public inspection and scrutiny. It has been reported that in many cases aggrieved persons did not get adequate time to scrutinize the list and file objections. It is now decided that the list so prepared should be hung up again in the office of the Junior Land Reforms Officers for public inspection up to 31st August, 1978. Objections are also to be filed within that time.

2. It has also been reported that objections received earlier have not been disposed of. Attempt should be made to dispose of pending objection cases by 31st of August, 1978 and the fresh cases to be filed within 60 days. Objections received up to 31st August, 1978 should be disposed of positively by 15th of November, 1978.

3. There are cases of dispute on vested land where Patta has been issued to one person while some other person is in actual possession. These cases have to be sorted out with utmost speed to enable the really eligible person to cultivate the plot.

4. There might be cases where proceedings for annulment of Patta had been started, but could not be completed before the cultivation season. It is time that these cases are promptly disposed of and sources of friction eliminated.

5. All concerned may please be instructed accordingly.

(Sufficient spare copies are enclosed for distribution among the Junior Land Reforms Officers).

A.K. CHAKRABORTI
Special Officer and Ex-officio Secretary,
Board of Revenue, West Bengal.

Memo. No. 13693/1(72)-G.E.

Copy forwarded for information and necessary action to the –

- 1) Commissioner....., Division.....
- 2) Director of Land Records and Surveys, West Bengal.
- 3) Additional District Magistrate/Additional Deputy Commissioner,.....
- 4) Subdivisional Land Reforms Officer,.....

●

GOVERNMENT OF WEST BENGAL
OFFICE OF THE BOARD OF REVENUE, WEST BENGAL.
● **SECTION : A-1, BRANCH : GE**

Memo No. $\frac{5191(17)-GE}{238/90}$

Dated, Calcutta, the $\frac{9^{th}}{13^{th}}$ July, 1990

To
The District Land & Land Reforms Officer,
.....

The undersigned is directed to invite his attention to L. & L.R. Department's Notification No.569-L.Ref. dated 19.06.1990 communicated to him under Memo. No.570(39)-L.Ref. of even date amending sub-rule (4) of rule 20A of the W.B. Land Reforms Rules 1965.

Consequent upon this amendment, the District Land and Land Reforms Officers and the Block Land & Land Reforms officers are empowered to execute the Deed of Settlement (Patta) in Form No. 8A.

All the Block Land & Land Reforms Officers may now be advised to execute such pattas and to see the pattas pending for execution, if any, are executed immediately and delivered to the selected beneficiaries.

Sd/- Illegible
Deputy Secretary,
Board of Revenue, West Bengal.

No.5191/1(20)-GE.

Dated, Calcutta, the 9th July, 1990.

Copy forwarded for information to :

1. The Commissioner,Division.
2. The D.L.R.S., West Bengal.
3. The Collector,

Sd/- Illegible
Deputy Secretary,
Board of Revenue, West Bengal.

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Government of West Bengal
Office of the Board of Revenue, West Bengal
Writers' Buildings, Calcutta -1.

Memo No. $\frac{7727-GE}{277/92}$

Dated, Calcutta, the $\frac{17^{th}}{26^{th}}$ August, 1992

From : Special Secretary, Board of Revenue, West Bengal.

To
Director of Land Records & Surveys &
Jt. L.R.C., West Bengal.

Sub : Issue of Joint Pattas.

Some recommendations were made in the Conference of State Revenue Ministers held in New Delhi on 14th March, 1992, in respect of issue of joint pattas and issue of pattas in favour of female members of the households. The Board of Revenue has carefully considered these recommendations.

The undersigned is directed to say that the following procedure shall henceforth be followed in respect of distribution of agricultural land :-

- 1) If a female member of the beneficiary household is eligible for distribution of agricultural Government land, it should be distributed in favour of the said female member.
- 2) In other cases, the land should be jointly distributed in favour of husband and wife of the beneficiary family, to the extent possible.
- 3) While making such distribution the order of preference specified in Board's Order Rs.6225(18)-GE dated 26.05.1979 should be kept in mind. (See page 25 of the Compendium of Instructions on Land Reforms, Volume-2.)
- 4) Cases where distribution has already been made shall not be reopened for this purpose. This order shall only apply to cases where distribution shall be made after receipt of this Order.

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

Government of West Bengal
Office of the Director of Land Records & Surveys
A n d
Joint Land Reforms Commissioner, West Bengal.
35, Gopalnagar Road, Alipore, Calcutta – 27.

Memo.No.4/66-83/C/92,

Dated, Alipore, the 7/11th January, 1994.

From : Sri P. Bandyopadhyay, I.A.S..
Director of Land Records & Surveys &
Joint Land Reforms Commissioner, West Bengal.

To
The District Land & Land Reforms Officer,
.....

Subject : Issue of patta jointly in the name of husband and wife.

Board of Revenue, West Bengal issued instruction vide no.7727-G.E. dated 17/26.08.1992 regarding issue of patta in the name of women possessors, if found eligible and to issue patta in respect of male eligible possessors jointly with their wives, if married. This instruction was circulated to all vide this office no.4/4368-98/C/92 dated 14.09.1992. It was also mentioned that such issue of joint patta in the name of husband and wife should start immediately on receipt of this instruction and old cases need not be reopened.

It has been brought to our notice that inspite of issue of such circular pattas are not being issued jointly in the name of husband and wife and instead it is still being issued in the name of husband only as was done in the past. This is highly objectionable.

It is once again impressed upon all that in all cases of settlement of vested land for agriculture purposes patta should be issued jointly in the name of husband and wife as far as possible and the cases settled in the recent past after the receipt of Board of Revenue, West Bengal's instruction be corrected accordingly. A report of compliance may be sent to this Directorate by 15th of February, 1994 without fail.

It has also brought to the notice of the Directorate that such settlement of land is not being reflected in the R.O.Rs. It may be impressed upon all that whenever a land is settled through patta khatians should be opened in the name of patta-holders under the appropriate section depending upon the stage of preparation of R.O.Rs. A mouza-war general proceeding under such appropriate section of the W.B.L.R. Act may be drawn up for all the cases and patta-holders need not be asked to appear for this purpose, nor their will be any need to verify possession in the field separately unless there is any compelling reason for doing so.

Regarding pattas opened jointly in the name of husband and wife khatians may be opened jointly with combined share shown against them with a bracket i.e. individual share in respect of husband and wife need not be indicated in the appropriate column (commonly known as Col. 14).

Sufficient copies of this instruction is being enclosed so that those may be distributed among the Sub-Divisional Land & Land Reforms Officers and Block Land & Land Reforms Officers without any delay.

A report on opening of Khatian simultaneously, with the issue of pattas issued till 28th February, 1994 (date fixed for distribution of available vested land) may be sent to this end by 15th of March, 1994 without fail.

P. Bandyopadhyay
Director of Land Records and Surveys
and
Joint Land Reforms Commissioner, West Bengal.

**GOVERNMENT OF WEST BENGAL
OFFICE OF THE DIRECTOR OF LAND RECORDS & SURVEYS
AND JT. LAND REFORMS COMMISSIONER, WEST BENGAL,
35, GOPAL NAGAR ROAD, CALCUTTA - 700 027.**

GENERAL INSTRUCTION

In the past, the two separate wings of the Land and Land Reforms administration were involved in distribution of vested land and recording the names of the assignees of such vested land. As a result of this, only a small fraction of the total number of such assignees have been recorded in our Khatians. The only document of such settlement, the pattas, issued to the assignees are often reported to have been damaged or lost. Office copies of the pattas were not also preserved systematically to ensure tracing them out at the time of need. Non-recording of pattas in the khatians in many cases led to double settlement of same plot of vested land which not only put the Government in acute embarrassment but also resulted in serious law and order problem.

Now, that the same office is responsible for both the jobs, following the introduction of the integrated set up of the Land Reforms Administration, issue of pattas and recording the names of patta-holders in khatians, there is no reason why all the pattas issued u/s. 49 of the W.B.L.R. Act should not feature in R-O-Rs.

It is, therefore, impressed upon all to see that khatians are modified to incorporate the names of the patta-holders immediately when the pattas are ready and a copy of such khatians be supplied to each of the beneficiaries along with the patta on a regular basis. Similar action should be taken for the Bargadars and the W.B. Homestead Land Act beneficiaries as well.

Inform all concerned for strict compliance. It may be made clear to the field functionaries that any violation of this instruction shall be viewed very seriously.

P. Bandyopadhyay
Director of Land Records & Surveys,
& Jt. Land Reforms Commissioner,
West Bengal.

Memo. No.76/1754-81/C/96.

Dated, Alipore the 1st July, 1996.

Copy forwarded for information and necessary action to :

- 1-18) The District Land & Land Reforms Officer,, sufficient copies necessary for circulation upto Block level offices are enclosed for the sake of convenience.
- 19-28) All Officers in this Directorate. Compliance of this issue may be verified at the different offices during their tours and inspection, to different districts.

P. Bandyopadhyay
Director of Land Records & Surveys,
& Jt. Land Reforms Commissioner,
West Bengal.

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**Government of West Bengal
Office of the Director of Land Records & Surveys
And Jt. Land Reforms Commissioner, West Bengal,
35, Gopalnagar Road, Calcutta - 700 027.**

Memo.No.28/780-800/C/94.

dated, Alipore, the 24th February, 1997.

**To
The District Land & Land Reforms Officer,**
.....

In view of instruction issued by the Board of Revenue vide No.7727-GE/277/92, dated 26th August, 1992, communicated vide this Directorate no.4/4868-98/C/92 dated

14.09.1992, Pattas are now being issued jointly in favour of the husband and wife. In the said order the first provision was to settle land with female member of the beneficiary household if the family is considered eligible for distribution of land. A good number of pattas are expected to have been issued exclusively in favour of the women members. Otherwise, pattas are issued jointly in favour of husband and wife unless the eligible male member is unmarried one.

The question is often raised by the field functionaries as to how the joint owners will be reflected in our khatian with two names when our present record is supposed to reflect a single name in a particular khatian. The matter has been examined and the following guideline is being issued for the sake of maintaining uniformity throughout the State. There may be three cases :

- A) Neither the husband () nor the wife () owning any land and hence having no khatian in their name.
- B) Husband () owns some land other than the patta land while the wife () owns no land other than the patta land.
- C) Husband () owns no land but wife () owns some land other than patta land.

In case of (A) the names of both of them should appear in Column 11 (of right) with the wife's name appearing first followed by the name of the husband. In the next column no separate share should be indicated, and instead, 1,0000 share should be marked jointly against both of them under bracket. In case of (B) the land as settled jointly in favour of the husband and wife should be incorporated in the khatian already existing in favour of the husband. Name of the wife would appear in the raiyat's column after the name of her husband. In the possession column against specific plot (or plots) the property owned by the husband should be marked (). Similar will be the recording in case of (C), except for the changes, like, the husband name will appear after the name of the wife and in possession columns specific possession of wife will be reflected against the plot owned exclusively by her, by noting ().

[Example : Husband had 0.33 acres of land individually while he with his wife got a further 0.17 acres of land through patta. The total area of the Khatian becomes 0.50 acres of which the husband owned 0.415 acres and the wife owned 0.085 acres. Corresponding shares of the husband and wife, in this case, will be 0.8300 and 0.1700 respectively.]

All concerned be informed for strict compliance of this instruction.

P. Bandyopadhyay.
Director of Land Records & Surveys
& Jt. Land Reforms Commissioner
West Bengal

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**GOVERNMENT OF WEST BENGAL
LAND AND LAND REFORMS DEPARTMENT
SECTION -LR(AI)-I : IS-BRANCH**

No. 3831-IS
107/2001

Dated, Calcutta, the 8th June, 2001.

ORDER

The undersigned is directed by order of the Governor to say that the Government of West Bengal for some time past was contemplating for removal of gender biasness in the various fields of social system viz. inheritance law, tenancy law, other land laws etc. This has also been demanded by different Non-Government Organisations including

women organizations in the country. National Commission for women also recommended such removal of gender biasness on all spheres of life and a resolution was passed in the Conference of Revenue Secretaries of the States held in New Delhi on 14.10.2000, requesting the State Govt. to remove all biasness in land laws and to allot more vested agricultural land in favour of women beneficiaries. Moreover, the year 2001 is the International year for the "Women's Empowerment".

Considering all these facts the Governor has been pleased to modify the Priority Principles in respect of distribution of vested agricultural land as enumerated in sub-Rule (d) of Rule, 194 under Chapter XIII of West Bengal Land and Land Reforms Manual, 1991, in the following manner ;

"40% of the total eligible persons for distribution of vested agricultural land should be selected from the single (unmarried, widow, deserted by husband etc.) women irrespective of whether she is in uninterrupted possession of the land or not and in rest of the cases the land should be distributed jointly in favour of the Husband and Wife."

2. All other principles as laid down in para i) to xii) of sub-Rule (d) of Rule-194 under Chapter-XIII of the Manual shall remain in force as usual.
3. This order will take immediate effect.
4. Necessary amendment to the West Bengal Land and Land Reforms Manual, 1991 will be made in due-course.

P. Bandyopadhyay,
Special Secretary,
Land and Land Reforms Department.

Government of West Bengal
Land and Land Reforms Department
L. R. Branch
Writers' Buildings, Kolkata – 700 001.

O R D E R

No.572-L.R./3M-18/03.

Dated, Kolkata, the 27th February, 2003.

Various anomalies regarding the position of the patta-holders vis a vis the possession in the field have been brought to the notice of the Govt. It is reported that there are cases in which (a) the patta-holder has never gone into possession but some body else is in cultivating possession of the land though he has no patta, (b) more than one person has been allotted patta on the same land, (c) patta-holder has been forcibly removed from patta land and patta has been issued to another person who has also been put to possession, (d) patta land has been transferred by the patta holder to other who is either ineligible cultivator or a non-cultivating person using the land for purposes other than agricultural (e) patta has been issued but neither the Block Land and Land Reforms Officer has taken any step for putting the patta holder in possession nor the patta holder has approached to the authorities concerned for delivery of possession. There are also some cases where patta has been issued to such person whose principal occupation is not agriculture in contravention of provision of sub-section (1) of section 49 of the West Bengal Land Reforms Act, 1955. All these facts present a disconcerting picture for the land management administration and should be addressed to immediately.

The Governor, therefore, after careful consideration of the entire issue, is pleased hereby to direct as follows :

- (1) In case the patta-holder has never gone into possession and some body else is in cultivating possession of the land without any patta, steps should be taken to annul such patta which is for all practical purposes a deed of settlement and in terms of section 54 of the Transfer of Property Act, 1882, a deed is not effective unless it is backed by possession. If, however, it is found that the person who is in cultivating possession of the land is eligible under sub-section (1) of section 49 of the West Bengal Land Reforms Act, 1955, he should be allotted patta. During annulment of earlier non-possessing patta the onus of proving that the earlier patta-holder prayed for possession and even then he was not put to possession, shall lie with the non-possessing patta-holder. If it is found that the patta-holder was actually in possession but subsequently he was removed from possession by inducement or threat or otherwise, the occupier concerned should be evicted and the possession of the patta-holder be restored.
- (2) If more than one person has been allotted patta on the same land, the patta-holder in possession should be recognized and the non-possessing patta should be annulled in terms of clause 2(c) of the Deed of Settlement (Patta) read with section 54 of the Transfer of Property Act, 1882 as also invoking the provision of sub-section (2) of section 49 of the West Bengal Land Reforms Act, 1955. If, however, it is found that both the patta-holders are in possession in part, the patta should be called for and schedule of land corrected according to possession.
- (3) If patta-holder has been forcibly removed and patta has been issued to another person who has also been put to possession, the latter can not be evicted as he has been possessing the land by validly issued patta. By not claiming restoration of possession immediately after forcible dis-possession the earlier patta-holder has actually forfeited his claim and got himself barred by limitation. The earlier patta-holder may, however, take recourse to Civil Court.
- (4) The cases where patta-holder has transferred his patta land to some other person who is either an ineligible cultivator or a non-cultivating person using the land for purposes other than agricultural in contravention of sub-section (1A) of section 49 of the West Bengal Land Reforms Act, 1955, patta should straightway be annulled and as the possession of transferee is illegal, the Revenue Officer should evict him in the manner as laid down under sub-section (3A) of Section 49 of the said Act and restore possession to the Collector.
- (5) The cases where patta has been issued but neither the Block Land & Land Reforms Officer has taken any step for putting the patta-holder in possession nor the patta-holder has approached to the authorities concerned for delivery of possession, the patta so issued cannot be annulled and the Block Land and Land Reforms Officer should make crash programme for delivery of possession to patta-holders if the phenomenon is found to be significant in any Block. Immediate action should, however, be taken to put the patta-holder in possession in stray individual cases.
- (6) In all cases where pattas have been issued to such person whose principal occupation is not agriculture in contravention of provision of sub-section (1) of section 49 of the West Bengal Land Reforms Act, 1955, pattas so issued should be annulled forthwith as the same have been issued by mistake contravening the provision of sub-section (2) of section 49 of the said Act and clause 2(c) of the Deed of Settlement (Patta).

By Order of the Governor,
S. Banerjee
Jt. Secretary to the Government of
West Bengal.

Copy forwarded for information and necessary action to :-

- 1) The Director of Land Records & Surveys, West Bengal, 35, Gopalnagar Road, Alipore, Kolkata – 700 027.
- 2) The Commissioner,Division.
- 3) The District Magistrate & Collector,
- 4) The Addl. District Magistrate and District Land & Land Reforms Officer / The District Land & Land Reforms Officer.

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

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GOVERNMENT OF WEST BENGAL
Office of the Board of Revenue, West Bengal
Section 'A', G.E. Branch.

Memo. No.13965(17)-G.E./483/75,

Dated : Calcutta, the 26th July, 1976.

To
The Additional District Magistrate (L.R.)
The Additional Deputy Commissioner (L.R.).

Subject : Allotment of khas and vested agricultural lands to the ex-service personnel.

The undersigned is directed to say that cases of ex-Servicemen who are eligible under sub-section (1) of Section 49 of the West Bengal Land Reforms Act and in terms of instructions issued from time to time in this behalf, should be considered along with other eligible candidates for settlement of vested agricultural lands. They should be assigned such priorities in the matter of distribution of vested lands in accordance with the order laid down in the Board of Revenue's memo. No.21654(17)-G.E., dated the 9th November 1973, as they may deserve in each individual case.

2. The cases for settlement of land with such ex-Service personnel should also be placed before the Block Level Land Reforms Advisory Committee for its recommendations in accordance with the provisions of rule 20(A)(3a) of the West Bengal Land Reforms Rules, where apart from the claimant the presence of a representative of the Zilla Sainik Board may help.

3. The number of beneficiaries belonging to the category of ex-Servicemen may be indicated separately under item No. VII of the progress report, the pro forma of which has been sent under Board's memo. No. 8620/1(17)-G.E., dated 18th May, 1976.

J. N. MOOKHERJEE,
Secretary
Board of Revenue, West Bengal.

Memo. No.13965/1(2)-G.E.

Copy forwarded for information to the –

- 1) Home (Defence) Department, Government of West Bengal, with reference to its memo. No.2440/1HD/L-26/75, dated the 14th July, 1976.
- 2) Secretary, State Soldiers' Sailors' and Airmen's Board, West Bengal, Writers' Buildings, Calcutta –1.

Calcutta,
The 26th July, 1976.

K. P. DE,
Deputy Secretary,
Board of Revenue, West Bengal.

Copy forwarded for information to the-

- 1) Commissioner,.....Division.
- 2) Collector,.....District,
- 3) Director of Land Records and Surveys, West Bengal.

Calcutta,
The 26th July, 1976.

K. P. DE,
Deputy Secretary,
Board of Revenue, West Bengal.

●

GOVERNMENT OF WEST BENGAL
Office of the Board of Revenue, West Bengal

No.13376-G.E. 555/77,

Dated Calcutta the 13th/26th October, 1979.

To
The Additional District Magistrate (L.R.), Midnapore.

Subject : Settlement of land to the service personnel.
Ref : His memo. No.1300-L.R.M. dated 5th March, 1979.

The undersigned is directed to say that in the Land Reforms Circles where the quota of lands earmarked for distribution amongst the service personnel has been exhausted, no further distribution should be made in accordance with the principles of special benefit extended to such personnel under orders of the Board. The military personnel may now be treated as on the same footing with others in the matter of distribution of lands and settlement made in consultation with the Sthayee Samities on Land Reforms acting as Block Level Land Reforms Advisory Committee.

13th October, 1979.

A.K. CHAKRABORTI
Special Officer and ex-officio
Secretary,
Board of Revenue, West Bengal.

●

GOVERNMENT OF WEST BENGAL
Office of the Board of Revenue, West Bengal
Section A, Branch G.E.

No.11342-G.E. 192/80,

dated Calcutta, 28th July, 1980

To
The Additional District Magistrate (L.R.), Murshidabad.

Subject : Quantum of land for settlement with the service-personnel.
Reference : His No.289-I.R., dated 16th June, 1980.

In terms of Board's Memo. No.13376-G.E., dated 13TH/26TH October, 1979, copy sent under Board's No.11340(2)-D.E., dated 28th July, 1980, the Special benefit so long extended to the service personnel and their families in the matter of distribution of vested land has been withdrawn and that no further land will be earmarked especially for them where such quota has been exhausted. Their cases for allotment of land are to be treated as on the same footing with others.

The upper limit of vested land that can be allotted to the eligible persons as set forth, i.e., 1 acre instead of 1 hectare subject to other conditions in term of Board's memo. No.6225(18)-G.E., dated 26th May, 1979, will also apply in cases of service personnel.

A.K. CHAKRABORTI
Special Officer and ex-officio
Secretary,
Board of Revenue, West Bengal.

Memo. No.11342/1(18)-G.E.

Copy forwarded for information and guidance to all others.
Additional District Magistrate.....
Additional Deputy Commissioner.....

Calcutta,
The 28th July, 1980.

A.K. CHAKRABORTI
Special Officer and ex-officio
Secretary,
Board of Revenue, West Bengal.

————— • —————
Government of West Bengal
Land and Land Revenue Department
Land Acquisition Branch

No.17785 L.A./7R-24/69.

Dated, Calcutta the 24th September, 1969.

Seal of the D.M. 24-Parganas.

From : Shri S. Ghosh, Assistant Secretary.

To
The Commissioner,
Presidency Division.

Sir,

In forwarding herewith a copy of each of Memo No.4363-WT dated the 22nd June, 1960, 4361-WT dt. the 22nd June, 1960 and 643-WT dated the 17th October, 1960 from the Home (Transport) Department of this Government together with a copy of this department memo. No. 8733-L.A. dated the 12th June, 1961 addressed to the Collector, 24-Parganas and the plans and schedules in original in respect of the marginally noted lands of the Ex-K.F. Rly, relinquished by the Eastern Railway in the villages of (as mentioned in the schedules) in the district of the 24-Parganas, I am directed to request that you will be so good as to issue necessary instructions to the Collector of the 24 Parganas to take over possession of the land immediately and to manage it, until further orders as khasmahal as contemplated in para 147 of the Executive Instruction of the Land Acquisition Manual, 1951. Meanwhile the Collector may enquire of other departments of this Government if the lands are needed by any of them. If so the Collector may then send proposal for transfer of the land to Government accordingly.

SCHEDULE

1. Measuring more or less 200.78 acres of land acquired under declaration nos. 11376-LA, 5237-LA & 323-LA dt. the 15th November, 1915. (The plan and schedules of the land were sent to the Collector with this department memo no. 8733-LA dated the 12th June, 1961.)
2. Measuring more or less 10.30 acres of land acquired under declaration nos. 5237-LA & 12266-LA dated the 4th July 1916 and the 28th December, 1922.
3. Measuring more or less .40 of an acre of land acquired under declaration no.5237-LA dated the 4th July, 1916.

If the land is not required by any of the departments the Collector may consider the feasibility of disposal of the lands in favour of the ex-owners, or any other persons and send specific proposal having regards to the facts and circumstances of the same.

An acknowledgement of the receipt of the plans and schedule is requested. The Board of Revenue has been informed.

Serial No.3901
Date : 20.10.1969.

Yours faithfully,
S. Ghosh
Assistant Secretary.

Memo No.3127 R/L dated Calcutta the 15th October, 1969, Office of the Commissioner, Presidency Division.

Copy with the enclosures including the plans and schedules in original forwarded to the Collector, 24-Parganas (South) for information and necessary action.

2. This refers to his Memo No.L.A.A. 2682/1 dated 30.09.69.

Encl : As stated.

Sd/- Illegible.
For Commissioner, P/Division.

Memo No.3127/1 R/L

dated Clcutta the 15th October, 69.

Copy forwarded to the Asstt. Secy. to the Govt. of West Bengal, Land and Land Revenue Department for information.

S.K. Bhattacharjee.
for Commissiner, Presidency Division.

●

GOVERNMENT OF WEST BENGAL
Land Utilisation and Reforms and Land and Land Revenue Department
Land Acquisition Branch.

No.12225(5)-L.A.

Dated Calcutta, the 26th July, 1978.

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

To

- 1) **Sri J.R. Saha, Secretary, Board of Revenue, West Bengal.**
- 2) **Shri B. K. Bhattacharjee,**
1st Land Acquisition Collector, Calcutta.
- 3) **Shri A.M. Chakraborty,**
Additional District Magistrate (L.R.)
24-Parganas, Alipore, Calcutta – 700 027.
- 4) **R.P. Chakraborty,**
2nd Land Acquisition Collector, Calcutta.
- 5) **Shri A.K. Goswami, Khasmahal Officer,**
24-Parganas, Alipore, Calcutta – 700 027.

Sir,

I am directed to forward herewith for your information and necessary action a copy of the proceedings of the meeting held on the 24th July, 1978 in the room of Land Reforms Commissioner and Secretary, Land Utilisation and Reforms and Land and Land Revenue Department to discuss the procedure to be followed in the matter of valuation of Calcutta Khasmahal Land.

Yours faithfully,
S. Ghosh
Deputy Secretary to the
Government of West Bengal.

Proceedings of the meeting held on 24.7.78 in the office room of the Land Reforms Commissioner and Secretary, Land Utilisation and Reforms and Land and Land Revenue Department to discuss the procedure to be followed in the matter of valuation of Calcutta Khasmahal land.

P R E S E N T :-

- 1) Shri D. Bandopadhyay, Land Reforms Commissioner & Secretary Land Utilisation and Reforms and Land and Land Revenue Department.
- 2) Shri J. R. Saha, Secretary, Board of Revenue.
- 3) Shri B.K. Bhattacharjee,
1st Land Acquisition Collector, Calcutta.
- 4) Shri A.M. Chakraborty, Additional District Magistrate (L.R) 24-Parganas.
- 5) Shri R.P. Charaborty,
2nd Land Acquisition Collector, Calcutta.
- 6) Shri A.K. Goswami, Khsmahal Officer, 24-Parganas.
- 7) Shri S. Ghosh, Deputy Secretary, Land Utilisation and Reforms and Land and Land Revenue, Department.

Land Reforms Commissioner and Secretary, Land Utilisation and Reforms and Land and Land Revenue Department initiating the discussion mentioned that the valuation of the Khasmahal land in 43 cases as listed in a statement below was assessed at a much lower rate when compared with the prevailing market value. He, therefore, wanted to know from the Land Acquisition Collectors the method which was adopted for the purpose of determining the valuation of such land. The 2nd Land Acquisition Collector, Calcutta stated that the principle of valuation which was so long followed in the cases of Khasmahal land was different from that adopted for acquisition of land under the land Acquisition Acts. After a threadbare discussion, it was decided as follows :-

- (i) The principle which was adopted in determination of the market value of land in cases of acquisition of land under the Land Acquisition Acts should also be followed for valuation of land in respect of Calcutta Khasmahal Land.
- (ii) All new cases and all cases of renewal of lease which would henceforth be forwarded by the Collector, 24-Parganas to the Land Acquisition Collectors for valuation of Khasmahal land should be made according to the principle laid down in item (i) above.
- (iii) In cases where valuation of Khasmahal land had already been made but settlement with tenants was yet to be made on execution of necessary lease deed etc., such cases should be held up by the Collector, 24-Parganas and sent to the Land Acquisition Collector for review of the cases and for fresh assessment on the lines indicated in item (i) above.
- (iv) In cases where settlement of Khasmahal land had already been made on execution of necessary lease deed, on the basis of valuation made by the Land Acquisition Collector, it had to be examined in consultation with Law Officers of the State Government as to whether such lease deed could be revoked on the ground that the lease had been executed on the basis of land value which was made on principle not consistent with procedures based on law and fresh lease deed executed after re-assessment of the valuation of the land in accordance with the principle as laid down in item (i).
- (v) If in any particular case it was felt by the Land Acquisition Collector, Calcutta, that the valuation of a particular plot, as assessed according to the current market value, was high considering its location, suitability and other factors, he might suggest to the Collector, 24-Parganas as to what should be the reasonable value of the land with arguments for consideration, a copy thereof being endorsed to the Secretary, Board of Revenue.

**APPLICATION OF THIKA TENANCY ACT IN PERMANENTLY SETTLED
KHAMAHAL LAND OF THE GOVT.**

**AIR 1979 CALCUTTA 219
MURARI MOHAN DATTA AND
RAM KRISHNA SHARMA, JJ.**

Indo Burma Forest Syndicate, petitioner v. Nitai Charan Haldar, Respondent.

C.R. No. 56 of 1976, D/- 12.03.1979.

Calcutta Thika Tenancy Act (8 of 1949), S. 30 (a) – Exclusion of Government land from the Act – Clause (a) excludes land only where Government is landlord or tenant – Thika tenancies of Khas Mahal lands not excluded.

It is not the intention of the legislature to make the Act inapplicable by virtue of Section 30(a), to all lands of which the Government is the proprietor. Section 30 (a) will apply to exclude the Act where the Government is the landlord or the tenant.

(Para 4)

Held : Even though the Government was the proprietor of the disputed land, it had settled the same with the petitioner by way of permanent lease. Hence it could not be held that the disputed land partook the character of 'Government land' within the meaning of S. 30 (a). The Act, therefore was applicable to thika tenancies of khas Mahal lands, the Government having no connection with such tenancies.

(Para 5)

Tarun Kr. Chatterjee, for petitioner; Haripada Roy, for Opposite Party.

M.M. DUTT, J. :- The petitioner in this Rule, has challenged the propriety of the Order dated August 30, 1975 of the 12th Court of the Additional District Judge, Alipore affirming the order of the Thika Controller, Calcutta, holding that as the land comprised in the tenancy of the opposite party belongs to the Government, the Calcutta Thika Tenancy Act, 1949 does not apply in view of Clause (a) of S. 30 of the said Act.

2. The petitioner, who is the landlord of the opposite party, the thika tenant, brought a proceeding under S. 9(2) of the Calcutta Thika Tenancy Act, 1949 praying for entering on the holding, inter alia, alleging that the opposite party, the thika tenant, had voluntarily abandoned his holding without notice to the petitioner and without arranging for payment of rent as it fell due. The opposite party entered appearance in the proceeding and contested the same by filling a written objection. The principal defence of the opposite party was that as the land comprised in the tenancy was khas Mahal land of the Government, the provisions of the Calcutta Thika Tenancy Act were not applicable in view of Clause (a) of Section 30 of the Act. The Learned Thika Controller upheld the said contention of the opposite party and dismissed the application of the petitioner under S. 9 (2) of the Calcutta Thika Tenancy Act on the ground that it was not maintainable. On appeal, the Learned Additional District Judge also took the same (view) as that of the learned Thika Controller and dismissed the appeal preferred by the petitioner. Hence this Rule.

3. It is not disputed that the land comprised in the tenancy of the opposite is Khas Mahal land and the petitioner is the permanent lessee under the Government. It is also not disputed that the petitioner is the landlord of the opposite party in respect of the land appertaining to the tenancy. Sec. 30 of the Calcutta Thika Tenancy Act provides as follows :-

“Nothing in this Act shall apply to –

- (a) Government lands,
- (b) any land vested in or in the possession of –
 - (i) the State Government;
 - (ii) a Port authority of the major port; or

- (iii) a railway administration; or
- (iv) a Local authority; or

(c) Any land which is required for carrying out any of the provisions of the Calcutta Improvement Act, 1911 (Beng. Act V of 1911)".

4. The expression "Government lands" in Clause (a) of S. 39 means lands belonging to the Government. The question is whether by Clause (a), it has been intended by the legislature that all lands in respect of which the Government is the proprietor should be exempted from the operation of the Calcutta Thika Tenancy Act. Under sub-section (2) of S.I, the Act "extends to Calcutta as defined in Clause (11) of Section 3 of the Calcutta Municipal Act, 1923 and such suburbs of Calcutta as may have been or may hereafter be notified under S. 1 of the Calcutta Suburban Police Act, 1866 and are not included within Calcutta as so defined and also to the municipality of Howrah". It is common knowledge that in Calcutta, the Government is the ultimate proprietor of all lands, but the Act has been made applicable to Calcutta. So it is apparent that the Act would not apply to lands of which the Government is the proprietor. After the enactment of the West Bengal Estates Acquisition Act, 1953, the State Government became the owner of all lands of Howrah and other districts. If Clause (a) is strictly interpreted to mean that it will not apply to lands belonging to the Government, then, after the enactment of the West Bengal Estates Acquisition Act, 1953 lands situate within the Municipality of Howrah will be excluded from the operation of the Calcutta Thika Tenancy Act. The Act has been amended from time to time, but sub-section (2) of S. 1 has not been amended by the legislature even after the enactment of the West Bengal Estates Acquisition Act, 1953. The Act, therefore, still applies to thika tenancies within the Municipality of Howrah. It is, therefore, obvious that it is not the intention of the legislature that the Act will not have any application to all lands of which the Government is the proprietor. In this connection, we should take notice of the preamble to the Act, namely, that it is "An Act to make better provision relating to the law of landlord and tenant in respect of thika tenancies in Calcutta". The Act regulates the law of landlord and tenant in respect of thika tenancies in Calcutta and Howrah. In our opinion, it is in that context clause (a) of S. 30 should be interpreted and if so interpreted clause (a) will apply where the Government is the landlord or the tenant. By virtue of sub-clause (i) of Cl. (b), where the State Government is in possession of the land, the Act will not also apply. Even where the Government is not the owner, but takes on lease a land and thereafter leases it out to a thika tenant, still the Act will not apply, for the land will be regarded as Government land within the meaning of Cl. (a).

5. In the instant case, the Government is no doubt the proprietor of the disputed land, but it has settled the same with the petitioner by way of permanent lease. In the circumstances, in our opinion, it is difficult to hold that the disputed land partakes the character of Government land within the meaning of Cl. (a) of S. 30. The disputed land is situate in Dihi Panchannagram where all lands are Khas Mahal lands. For the reasons given above, we are unable to hold that the legislature intended that thika tenancies created by the lessees of khas Mahal lands stand outside the purview of the Calcutta Thika Tenancy Act. In our view that was not the intention of the legislature. The Act, therefore, is applicable to thika tenancies of Khas Mahal lands, the Government having no connection with such tenancies.

6. For the reasons aforesaid, we set aside the order of the learned Additional District Judge and of the learned Thika Controller and sent the case back to the learned Thika Controller with the direction to dispose of the application of the petitioner on merits and in accordance with law.

7. The Rule is made absolute, but there will be no order for costs.

SHARMA, J. : - I agree.

Petition allowed.

**The Calcutta Gazette
Extraordinary
Published by Authority**

BHADRA 27]

FRIDAY, SEPTEMBER 18, 1992

[SAKA-1914

PART I- Orders and Notifications by the Government of West Bengal, the High Court, Government Treasury, etc.

**GOVERNMENT OF WEST BENGAL
LAND AND LAND REFORMS DEPARTMENT
Land Revenue**

NOTIFICATION

No.770-L.R. – 8th September 1992. – In exercise of the power conferred by the Bengal districts Act, 1836 (21 of 1836) read with the Bengal Districts Act, 1864 (Ben. Act IV of 1864) and sub-section (2) of Sec. 7 of the Code of Criminal procedure, 1973 (2 of 1974), and in partial modification of notification no. 212-L.R. dated the 17th February 1986, relating to the areas included in the district of North 24-Parganas and the South 24-Parganas dividing the district of old 24-Parganas, the Governor is pleased hereby to direct that with effect from the 1st day of March, 1986, the limits of the Sadar sub-division of Alipore shall include the local areas comprised in the said sub-division of Alipore and the police stations comprised in the said sub-division of Alipore as shown below :-

Name of sub-division

Sadar

Police-stations

Jadavpur, Kasba, Tiljala, Regent Park, Behala, Metiabruz, Bishnupur, Sonarpur, Budge Budge, Maheshtala, Baruipur, Joynagar, Bhangore, Canning, Kultali, Basanti, Gosaba, Cossipore, Chitpore, Ballygunge, Gariahat, Lake, Alipore, Bhowanipore, Tollygunge, New Alipore, Karaya, Manicktola, Ultadanga, Beliaghata, Phulbagan, Narkeldanga, Beniapur, Tangra, Entally, Watgunje, Ekbalpur, Garden Reach, South Port Police Station, North Port Police Station.

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

●
**Government of West Bengal
Land and Land Reforms Department
Section – (III), GE(N) – Branch.**

Memo.No.9863-GE(N).

Dated, Calcutta, the 11th/28th, November, 1997.

From : The Assistant Secretary to the Government of West Bengal,
Land and Land Reforms Department.

To
The Commissioner,
Presidency Division,
11, Netaji Subhas Road,
Calcutta – 700 001.

Sub : Fixation of Land Value.

The undersigned is directed to refer to his Memo. No.296-RL. Dated 05.09.1997 on the above subject and to state that the valuation chart maintained by Sub-Registrar's offices is for collection of Stamp duty only. For assessing market value for settlement of Government

Land, the procedure prescribed by Rule 222 of the W.B.L&L.R. Manual, 1991 should be followed.

Sd/- Illegible.
Assistant Secretary to the
Government of West Bengal
Land and Land Reforms Department.

**OFFICE OF THE COMMISSIONER, PRESIDENCY DIVISION
11, N. S. ROAD, CALCUTTA - 1.
(REVENUE OF LAND DEPARTMENT)**

Memo. No.104(11)/RL.

Dated, Calcutta, the 22.07.1998.

Copy forwarded to :-

1. The District Magistrate,
South 24-Parganas/North 24-Parganas/Murshidabad/Howrah/Nadia;
2. The District Land and Land Reforms Officers.
South 24-Parganas/North 24-Parganas/Murshidabad/Howrah/Nadia; and
3. The 1st Land Acquisition Collector, Calcutta.
for information and taking necessary action.

Sd/- Illegible
For Commissioner,
Presidency Division.

•
**GOVERNMENT OF WEST BENGAL
OFFICE OF THE COMMISSIONER, PRESIDENCY DIVISION
11, NETAJI SUBHAS ROAD, CALCUTTA - 700 001.**

Memo. No.49-RL.
From : The Commissioner,
Presidency Division.

Dated, Calcutta, the 1st March, 2000.

**To
The Land Reforms Commissioner &
Principal Secretary to the Government of West Bengal,
Land & Land Reforms Department,
Writers' Buildings,
Calcutta - 700 001.**

**Subject : Management and valuation of the Collector's Khashmahal land in
Calcutta situated within 14 Police Stations known as Panchanna Gram.**

Sir,

With reference to the subject noted above, I am enclosing herewith a copy of the proposal mooted by the DL&LRO, South 24-Parganas, for your consideration. The proposal of the DL & LRO, South 24-Parganas bears merit in the following context :-

1. That a large number of long term settlement proposals of **Khashmahal land**, situated within the said police stations in Calcutta, are lying pending for a considerable period due to non-receipt of valuation reports from the 1st L.A. Collector, Calcutta in spite of a series of reminders;
2. In many cases, reports have been lying pending for the last 5 to 15 years. It is also observed that in all such cases, land in question had already been under unauthorized occupation of sub-tenants illegally inducted by the ex-term lessees or their successors-in-interest, who in many cases, are still realizing rent illegally

from the occupiers, although their lease term had long expired and they are no longer in possession of the land;

3. In some cases, illegal transfer of holding over-right had been reportedly effected against high premium due to inordinate delay in finalizing the settlement proposals in favour of persons in actual occupation of such land.
4. It is also observed that even the valuation reports which were received from 1st L.A. Collector after vigorous persuasion, did not reflect the market value of such land. On the contrary, they seemed to be far below the market value and therefore, had to be sent back for re-assessment on the principle followed in determination of market value of land in L.A. Cases. In this regard, I would like to refer to the proceedings of the meeting dated 24.7.78, taken by the then Land Reforms Commissioner in his office chamber and communicated to this office under memo. No.12225(5)-L.A. dated 26.07.78. I am enclosing a copy of the same for your perusal and ready reference. But in many cases sent for such re-assessment, I am yet to receive the reports, in spite of several reminders. This has resulted in inordinate delay in processing the proposals.
5. All these factors are therefore, responsible for the inordinate delay in processing L.T. Settlement proposals in respect of **Calcutta Khashmahal** land, since the DL & LRO, South 24-Parganas is still required to seek valuation report from the 1st L.A. Collector, Calcutta in terms of the provision of **Rule 188 of the W.B. Land Management Manual, 1977**, which is still applicable in case of management of Khashmahal land in Calcutta, because **the W.B. Land & Land Reforms Manual, 1991** is silent on the management of the **Calcutta Khashmahal** lands.
6. It is further observed that delay in settlement of such land, also resulted in loss of considerable amount of government revenue which attracted the adverse comments of the audit from time to time. Some of these observations are also likely to be included in the report of the Comptroller & Auditor General.
7. In the context of the aforesaid, I would request you to kindly consider vesting of power with the Collector, South 24-Parganas for assessing the valuation of Government Khashmahal land falling within the said 14 police stations, as has been proposed by the DL & LRO, South 24-Parganas because, it is he who is the authority for the management of the Calcutta Khashmahal land and has also the L.A. set up at his disposal to undertake the valuation expeditiously. **This may be accomplished either by suitably revising the Rule 188 of the W.B. Land Management Manual, 1977 or by inclusion of new rules in the W.B.L. & L.R. Manual, 1991 for the management and valuation of Khashmahal land in Calcutta.**
8. In this regard, I would also like to mention that Government Khashmahal land, in many prime locations of Calcutta, is found to be under unauthorised occupation of intruders. But although applications under **Section 3(1) of the W.B. Public Land (Eviction of unauthorized occupants) Act, 1962**, had been made to the 1st L.A. Collector, Calcutta for their eviction, inordinate delay in disposal of such cases had frustrated the very purpose of such applications, because, during the pendency of the proceedings, new occupants came into possession of many such lands, while the persons, against whom the eviction proceedings had been initiated under the said Act, already left the place after illegally transferring the land to another set of unauthorized occupants in consideration of lucrative premium. For example, **Khashmahal land at 43, Diamond Harbour Road** opposite Calcutta Hospital and Research Centre, comprises of an area of about 3 Bigha 3 Kottah. The original licensee had already left the holding. But this prime land is found to be unauthorisedly occupied by a good number of intruders. The Board of Revenue, under Memo. No.2395-GE(M) dated 3.3.81, instructed the ADM (LR), 24-Parganas to file eviction cases under W.B. Public Land (Eviction of unauthorized occupants) Act, 1962 and accordingly evictions cases were filed against 48 unauthorised occupants in the year 1981; but these

cases are still pending for disposal and, in the meantime, most of the unauthorized occupants against whom eviction cases were pending, left the holding after illegally handing over their possession to a very affluent occupier, who is now running an automobile repair workshop and garage there. Similar other instances are also not very difficult to find.

9. I would therefore, further request you to also consider amendment of Section 2(1) of the said Act so as to empower the Collector, South 24-Parganas as the Collector for the purpose of the said Act in so far as the Khashmahal lands in Calcutta are concerned.

Yours faithfully,
D.K. Chakraborty.
Commissioner,
Presidency Division.

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

No.3432-L.Ref./342/2000.

Dated : 07.12.2000

From : Shri P. Bandyopadhyay,
Joint Secretary to the
Government of West Bengal.

To

- 1. The Additional District Magistrate and District Land and Land Reforms Officer, South 24 Parganas P.O. Alipore, Calcutta - 27.**
- 2. The First Land Acquisition Collector, Calcutta.**

Sub : Valuation of Govt. Land within the jurisdiction of First L.A.C., Calcutta.

Recently a provision has been inserted in Rule 222 of the W.B. Land and Land Reforms Manual empowering the DLLRO/Collector, South 24 Parganas to cause valuation of Govt. land within the jurisdiction of the First LAC, Calcutta following the procedure as laid down in Land Acquisition Manual 1991. But Rule 222 of the W.B. Land and Land Reforms Manual read with the Land Acquisition Manual 1991 stipulates that the valuation to be so caused by the DLLRO/Collector shall be checked with valuation made in the L.A. cases for acquisition of similarly situated land. In view of such provision, the DLLRO/Collector, South 24-Parganas should send his valuation sheet to the 1st LAC Calcutta for cheking. The First LAC must make every effort to ensure that such cheking is completed and report sent to the DLLRO/Collector, South 24-Parganas at the earliest. If however, the 1st LAC, Calcutta fails to check the valuation with reference to his case record within a month since the receipt of communication from the DLLRO/Collector, South 24-Parganas, the latter would proceed for settlement in accordance with valuation arrived at by him and keep the Commissioner, Presidency Division informed of the non-availability of checking report.

P. Bandyopadhyay
Joint Secretary to the Government of
West Bengal.

Copy to :-

1. The Commissioner, Presidency Division,
11, N.S. Road, Calcutta - 700 001.
2. Collector, South 24 Parganas,
Post office - Alipore, District - South 24-Parganas.
for information and necessary action.

P. Bandyopadhyay
Joint Secretary to the Government of
West Bengal.

Government of West Bengal
Office of the Director of Land Records & Surveys
& Jt. Land Reforms Commissioner, West Bengal.
35, Gopalnagar Road, Calcutta – 700 027.

Memo. No. 7/5859-76/C/2000

Dated, Alipur the 9th April, 2001.

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

To
The District Land & Land Reforms Officer,
(All)

Sub : Renewal of Long Term Settlement of Khasmahal land.

Khasmahal Lands area available in significant quantam in various urban centers of West Bengal from Alipurduar in Jalpaiguri to Kharagpur in Medinipur District. These Khasmahal lands were not permanently settled with any Zamindars under the Regulation I, 1793 but were directly held by the Crown in their own possession. Later on, gradually depending on the utility some of these lands were leased out on a fixed rent for varying periods from 12 years to 30 years at a time. Usually the name of the mouza is suffixed/pre-fixed by the word Khasmahal to make it clear that it is a Khasmahal mouza. The management and upkeep of these directly held government estate were looked after very scrupulously. The tenants who occupied these khasmahal lands acquired occupancy rights at fixed rent. The fixation of rent was usually done under the Rent Act 1822. The then Government had held that the high fixation of rent after the expiry of lease period and the consequent eviction for non-payment was too harsh in cases where non-agricultural tenancies created by individuals. Hence, they sought to mitigate the process to some extent through the Bengal Non-agricultural Land Assessment Act, 1936. The status of the tenants and the procedure for rent fixation was also described. Hence, some form of security of tenure was introduced. This was followed by the West Bengal Non-agricultural Tenancy Act, 1949 which retained the spirit of the original Act.

The management of Government estates due to the proliferation of tenancies also assumed sufficient importance so much so that the Board of Revenue introduced the Crown Estates Manual 1932. This was followed by the Government Estates Manual, 1953, the Land Management Manual, 1977 and the West Bengal Land & Land Reforms Manual, 1991. The basic premise of these Manuals was that the Government retained ownership of lands settled to various persons and it was never disputed. Unfortunately, it was never made explicit which subsequently due to various Court rulings and due to the varied records made under various Settlement operations had resulted in some ambiguity.

The C.S. operation under the Bengal Tenancy Act, 1885 did not directly addressed this category of tenants with respect to rent but had only recognized them only as settled raiyats with right to occupancy. They were usually recorded as "raiyat sthiban" and the tenure of the lease was explicitly recorded. The Collector on behalf of the Government remained the superior land lords. Settlement operations which had commenced after the enactment of the Bengal Non-agricultural Land Assessment Act, 1936 had incorporated these tenants as non-agricultural tenants. The West Bengal Estate Acquisition Act, 1953 however left the position untouched.

The trouble started with the recording during the R.S. Operation under WBEA Act, 1953. Even though the GI for R.S. operation had specifically mentioned that the status of "dakhaldar" in Col. 15 and that of "basat Praja" in Col. 16 and those involving shops/stalls as "basat proja chandina" in Col. 16 for some unknown reason or due to wrong interpretation they were recorded as raiyats and the period of lease was also omitted. The customary rent existing was fixed as rent. Surprisingly, alienation of the land did not at all take place during the period during which the lease subsisted.

Interestingly most of the leases also coincidentally terminated in 1975 when the LR Settlement Operation was going on. The status of these leases was with respect to the period of licence was to be noted in Col. 23 was clarified in the GI of the L.R. Settlement Operation but the recording unfortunately continued in the manner started in the RS Operation.

Disputes started arising when the transferees wanted to mutate the land records on the basis of sales made during the lease period or in the hold over period after the lease ended. It was then found that the CS records showed that these lands to be leasehold lands of the Government and transfers had been made without the prior permission of the State Government. Audit teams also pointed out that the new lease rent should be assessed and the rent for the hold over period should also be collected. However, when steps were taken for the collection of rent, the occupants claimed that as they had already been recorded as raiyats with a right to alienate the land and hence they would not even pay lease rent.

Litigation ensued, where it was argued that the term "Khasmahal" was misconceived because lease of Khasmahal lands under the T.P. Act, 1882 transfers the interest of the government to the lessee as per the conditions in the lease deed. As the tenants held land directly under the Government, it hence then follows that lands which are leased out by the Government are no longer held in khas possession by the Government and hence they can no longer be called khasmahal lands. The logic was that, estates not permanently settled were 'khasmahals' and as per the definition 'estates' U/s. 2(6) of the B.T. Act, 1885 includes khasmahals and that the Government was proprietor owning estates or a landlord as per the ruling of the Division Bench of the Calcutta High Court in Shastidas Mullick VS JLRO, Barrckpore reported in (1977) / CAL, L.T. 695. Though the WBEA Act, 1953 excludes non-agricultural tenants from its ambit, Section 3A of the WBLR Act, 1953 however with effect from 09.09.1980 vests the rights of all intermediaries U/s. 5 of the WBEA Act, 1953 and as per the non-obstante clause to Section 3A(2) all non-agricultural tenants would be deemed to be raiyats directly under the Government. It was hence interpreted that these are non-agricultural tenancies created by the Government in the position of a intermediary/landlord. Therefore, with the incorporation the Section 3A by the 2nd Amendment from 9.9.80 all rent receiving interest of all non-agricultural tenancies would vest to the state under sub-section (1) and the tenants would obtain the status of raiyats U/s. 3A(2). In some High Court Rulings where the State Government had been equated to the position of a landlord intermediary were utilized to interpret that Section 3A would also operate against State Government and also to interpret that the provisions of the Transfer of Property Act, 1882 are also legally binding on the State Government too. This concept appeared fallacious but no defence could be immediately put up. But Hon' ble Supreme Court had been pleased to observe in Haje S.V.M. Mohammed Jamaluddin Brothers & Company VS the Government of Tamil Nadu reported in J & T (1997) (3) SC 21 that Section 2 of the Grants Act insulates all grants and all transfers of land or any interest therein made by the Government from the checks of provision of Transfer of Property Act, 1882. Section 3 of the Grants Act protects the terms of such grant from the provisions of any other law.

The combined effect of the above two sections of the Grants Act is that the terms of any grant in terms of any transfer made by a Government would stand insulated from the tentacies of any statutory law. Section 3 places the terms of such grant beyond the reach of any restrictive provisions contained in any enacted law or even the equitable principles of justice, equity and good conscience adumbrated by common law of such principles are inconsistent with such terms. The two provisions are so framed as to confer unfettered discretion on the Government to enforce any condition or limitation or restrictions in all types of grants made by the government to any persons. In other words the rights privileges and obligations of any grantee of the government would be completely regulated by the terms of the grants, even if such terms are inconsistent with the provisions of any other law. The copy of the Government Grants Act 1895 and the copy of reported Ruling of Hon'ble Supreme Court are marked **Annexure 'A' & 'B'** respectively.

Therefore the presumptions that lessees became tenants directly under the State by operation of WBEA Act or Section 3A of the WBLR Act, do not appear to be correct propositions.

Therefore all such lease hold lands should be taken up for renewal in terms of Chapter XV of WBLR Manual 1991. Transfers made by the lessee during lease period shall stand void if the tenor of the grant did not so permit. The successor-in-interest of the lessee also did not automatically become lessee if the terms of the lease provided otherwise. In such cases, the transferee or the successor-in-interest from the original lessee may be deemed to be unauthorized occupier liable to pay damage cost.

Recently, a series of petitions have been filed before the LRTT claiming tenancy right by the lessees or their successors-in-interest. All such laws should be contested on the strength of provisions of Section 2 & 3 of the Government Grants Act 1895 and the ruling of Hon'ble Supreme Court referred to hereinabove.

The process prescribed for regularization is similar to that which has been tried and tested in Midnapore. Firstly, the record of rights published under the WBLR Act 1955 should be cancelled or a proposal for cancellation by the State Government if the record of rights are finally published should be sent to the DLR & S. A copy of the notification is at **Annexure C**. All further mutations should be stopped as per the order at **Annexure D**. Transfers should also be stopped by involving the provisions of section 4 of the West Bengal Government Land (Regulation of Transfer) Act, 1993. A copy of the Act had also been despatched earlier by memo. No.7/2/25-42/C/2000 dated 20.04.2000. A notification should be published and also in local newspapers as given in **Annexure E**. Based on the CS Records or old Khasmahal records the plots should be identified. Depending on the local sentiment prevailing survey should be initiated immediately and the present occupants should be identified. To improve response a notice in the form at **Annexure F** should be sent out. Valuation of the land should be done with effect from the year of expiry of the lease. A copy is given in **Annexure G**. The manner in which market value would be determined has already been intimated by Directorate circular no.229/6923-40/C/2000, dated 14.12.2000. A database should be created based on the field survey and after receipt of applications. Individual hearing notices in **Annexure H** and a general notice in **Annexure I** should be issued. After hearing a broadsheet should be prepared as is given at **Annexure J**. A proposal sent for long term settlement to regularize these transfers as is given at **Annexure K**.

The mitigation of these problems would involve a fair degree of unrest which can be brought down if the element of uncertainty be eliminated by proper and through interaction at all levels. If necessary, a chart for actual selami and rent based on the year of expiry, year of transfer for renewal / regularisation of transfers based on the area should be worked out and published. Though, the tenants / occupiers would complain that it is an additional burden, they should be counselled that it is an unavoidable exercise. Any difficulties faced may be intimated to the undersigned.

S. Suresh Kumar
Director of Land Records & Surveys &
Jt. Land Reforms Commissioner, W.B.

Memo No.

Dated, Alipur the 16th March, 2001

Copy to :-

- 1) The Land Reforms Commissioner and Principal Secretary, Land & Land Reforms deptt.
- 2) The Joint secretary, Land & Land reforms Deptt.
- 3) Divisional Commissioner. Division for information.
- 4)

S. Suresh Kumar
Director of Land Records & Surveys &
Jt. Land Reforms Commissioner, W.B.

ANNEUXRE – A
The Government Grants Act, 1895
ACT 15 of 1895.

[10 OCTOBER 1895]

An Act to explain the Transfer of Property Act, 1882, so far as relates to grants from the Government, and to remove certain doubts as to the powers of the Government in relation to such grants.

WHEREAS doubts have arisen as to the extent and operation of the Transfer of Property Act, 1882, and, as to the power of the Government to impose limitations and restrictions upon grants and other transfers of land made by it or under its authority, and it is expedient to remove such doubts; it is hereby enacted as follows :

1. Title, extent and commencement - (1) This Act may be called the Government Grants Act, 1895.

(2) It extends to the whole of India except the territories which, immediately before 1st November, 1956, were comprised in Part B States.

2. Transfer of property Act, 1882, not to apply to Government grants - Nothing contained in the Transfer of Property Act, 1882, shall apply, or be deemed ever to have applied, to any grant or other transfer of land or of any interest therein heretofore made or hereafter to be made by or on behalf of the Government to, or in favour of, any person whomsoever; but every such grant and transfer shall be constructed and take effect as if the said Act had not been passed.

3. Government grants to take effect according to their tenor. – All provisions, restrictions, conditions and limitations ever contained in any such grant or transfer, as aforesaid, shall be valid and take effect according to their tenor, any rule of law, statute, or enactment of the Legislature to the contrary notwithstanding.

ANNEXURE – C

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

ORDER

No.347/E(Bar)/96.

Dated : 19.07.1996.

Whereas it appears that the Record of rights so prepared and draft published U/s. 51 of the W.B.L.R. Act in respect of Mouza – Barpathar Cantonment J.L. No. 168, P.S. Kotwali, District – Midnapur appears to have been prepared erroneously without any legal basis or documents and whereas it appears that such erroneous record of rights may affect the rights and interests of the Government in respect of lease hold properties of the old khasmahal lands of the said Mouza and whereas it appears that in preparing such record of rights the lease hold properties under the Government of West Bengal, the terms and conditions of the lease agreement in respect of non-agricultural properties and also the relevant provisions of the erstwhile W.B.N.A.T. Act, 1949 and also the provisions of the W.B.L.R. Act and also the relevant rules therein have been violated affecting the public interest and loss of Government Revenue to a great extent;

Whereas it also appears that this erroneous record of rights having no legal basis may create further complications and litigations in the rights and obligations of the tenants and also the rights and interests of the non-agricultural Tenancy;

Therefore, I, Shri S. Suresh Kumar, District Land & Land Reforms Officer and Settlement Officer, Midnapore in exercise of my power conferred upon me under Schedule A of Rule 22 of the W.B.L.R. Rules do hereby declare that the record or rights in respect of Mouza Barpathar Cantonment, J.L. No.168 P.S. Kotwali, District – Midnapore so prepared and draft published under the relevant rules are hereby cancelled.

I further direct that preparation of such record of rights shall be carried out de-novo from the stage of Khanapuri – Bujharat as per Rule 22 of the W.B.L.R. Rules.

S. Suresh Kumar
District Land & Land Reforms Officer,
&
Settlement Officer,
Midnapore.

Memo. No. 26757-773/E/Bar/96.

Dated : 19.07.1996.

Copy forwarded for information and n/a to :-

1. The Secretary, Land & Land Reforms Department, Writers Buildings, Calcutta – 700001.
2. The Director of Land Records and Surveys and Jt. Land Reforms Commissioner, West Bengal.
3. The Sabhadhipati, Midnapore Zilla Parishad.
4. The District Magistrate and Collector, Midnapore.
5. The Sub-Divisional Officer, Midnapore.
6. The S.D.L. & L.R.O., Midnapore.
7. The B.L. & L.R.O. Midnapore.
He is directed to issue proclamation before starting the De-novo preparation of RORs in respect of the concerned Mouza and also display the copy of the order in his office Notice Board and other conspicuous places of the Mouza for general information.
8. The District Information Officer, Midnapore.
He is requested to pl. arrange for wide publication in the locality.
9. The Savapati, Midnapore Panchayat Samity.
10. The Block Development Officer, Midnapore.
11. The Chairman Midnapore Municipality.
12. The Dy. DLLRO (O)
13. O/C. Peshkar Section.
14. O/C. Law Cell.
15. Guard File./Peshkar section / Law Cell.

S. Suresh Kumar
District Land & Land Reforms Officer,
Midnapore.

ANNEXURE – D
Government of West Bengal
Office of the District Land & Land Reforms Officer,
Medinipur.

Memo. No.26744/E-(Bar)/96

Dated : 19.07.1996.

To
The B.L. & L.R.O.
Sadar, Midnapore.

Subject : Keeping in abeyance of Mutation in respect of land of Mouza – Barpathar Cantonment, J.L. No. 168.

In view of the cancellation of the RORs upto the D.P. stage of Mouza – Barpathar

Cantonment, J.L. No. 168, he is directed not to allow any Mutation in respect of any land of the said mouza until further order from this end.

S. Suresh Kumar
District Land & Land Reforms Officer,
Midnapore.

Memo. No.26745/E (Bar)/96.

Dated : 19.07.1996.

Copy forwarded to the :

S.D.L. & L.R.O., Midnapur/Dy. DLLRO, Midnapur/
All officers at H.Q/Guard File.

S. Suresh Kumar
District Land & Land Reforms officer,
Medinipur.

ANNEXURE - H
Government of West Bengal
Office of the District Land & Land Reforms Officer
Medinipur.

Memo. No.

Dated

To
Shri _____
.....

**Subject : Renewal of Long-term lease of land of Mouza - Barpathar Cantonment
J.L. No. 168, P.S. Kotwali, Medinipur.**

Whereas it appears that the Govt. lands which particulars are noted below was originally settled on long-term settlement with Shri _____ for a period of 30 years upto 31.03.1975 with conditions of successive renewal for the same period. But ever after the expiry of the lease period not the lease nor his successors in interest have applied for the renewal of the lease. You are therefore directed to submit application for renewal of long-term lease along with the authenticated copy of lease deed and the copy of the R.S. R.O.Rs. and such other documents within 12th August, 1996 to the undersigned. In case of non compliance, action will be taken as per law.

Schedule of land.
Mouza :
J.L. No.
R.S. Plot No.
Area :

S. Suresh Kumar
Additional District Magistrate
And
District Land & Land Reforms Officer
Medinipur.

ANNEXURE - I
GOVERNMENT OF WEST BENGAL
OFFICE OF THE DISTRICT LAND AND LAND REFORMS OFFICER
MIDNAPORE.

NOTICE

No. 83.

Dated, Midnapore the 06th March, 2000

This is for general information and for wide publicity for all inhabitants ex-lessees, lessees, non-agri tenants, unauthorised occupants of Govt. lands of Mouza Barpathar Cantonment & for such other persons having any interests or claiming to have any interests in any manner, whatsoever, in old Khasmahal land of mouza Barpathar Cantonment, J.L. No. 168, P.S. Kotwali, District - Midnapore, that hearing of

the objections filed against the modes of assessment of yearly rent, refixation of rent on renewal and such other incidences thereto, including rights, interests & title in the concerned plots etc. will commence on and from 13.03.2000 at 11.00 a.m. in the office of the D.L. & L.R.O., Midnapore and will continue upto 24.03.2000 or upto the completion of the same.

Individual Notices have been sent to the objectors and such other parties, where necessary to their residential addresses.

However the details schedules of such hearing and the objection Registers, with particulars thereof may be available in the office of the D.L. & L.R.O., Midnapore and the same may be available for public inspection on and from 13.03.2000 during the office hours.

Sd/- Illegible
A.D.M. & DIST. LAND & LAND
REFORMS OFFICER,
MIDNAPORE.

Memo. No.4449-4461/E-Bar/96-99.

Dated , Midnapore the 06.03.2000.

Copy forwarded for information and necessary action to the :-

1. Principal Secretary, Land & Land Reforms Department, Writers' Buildings, Calcutta – 700 001,
2. Savadhipati, Midnapore Zilla Parishad.
3. District Magistrate & Collector, Midnapore.
4. The S.D.O., Midnapore.
5. The S.D.L. & L.R.O., Midnapore.
6. The B.D.O., Midnapore.
7. The B.L. & L.R.O., Midnapore.
8. The Chairman, Midnapore Municipality.
9. The Sub-Division, Information & Cultural officer, Midnapore.
10. O.S.D./Nazir, D.L. & L.R.O., H.Qr.
11. District Registrar, Midnapore.
12. D.A. Peshkar, H.Qr. Office.

With the request to
display the same in
the Notice Board.

Sd/- Illegible
A.D.M. & DIST. LAND & LAND
REFORMS OFFICER,
MIDNAPORE.

GOVERNMENT OF WEST BENGAL
Office of the Board of Revenue, West Bengal
Section A-I GE Branch

No. 9078-GE

Cal. the 29th July, 1981.

To
The Additional District Magistrate (LR),
Birbhum.

Subject : Omission of Sec. 14W of the Principal Act (WBLR, Act 1955).

Reference : His Memo. No. 2629-LR dated 11-3-81.

The undersigned is directed to say that with the omission of Sec. 14W of the West Bengal Land Reforms act, 1955, vide West Bengal Land Reforms (Amendment) Act, 1980 (Published under Notification No. 3573-L dated 29.09.80 in the extraordinary issue dated 29.09.80 of the Calcutta Gazettee), the cases which were started u/s 14W prior to 29.09.80 should be disposed of and damages realised, if necessary, in accordance with the provisions of that Section which was in force at that time, but no case u/s. 14W

should be started de novo after 29.09.80. It should, however, be borne in mind that the omission of the Section 14W is co-related with the amended section 14V, *ibid*. In other words, the omitted Sec. 14W will not be applicable to those cases where Section 14V will be attracted and/or applicable.

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

Memo No. 9078/1(39)-GE

Copy with a copy of Memo. No. 2629-LR dated 11.03.81 from Addl. District Magistrate (LR), Birbhum to which it is a reply, forwarded for information and necessary action to :-

3) The Settlement Officer, 24-Parganas, Survey Building, Alipur.

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

————— • —————
Government of West Bengal
Office of the Board of Revenue, West Bengal.
Section – A III, Branch G.E. (M)

No. 4985-G.E. (M)
107/85.

Dated, Calcutta, the 7th April, 1987.

To
The Additional District Magistrate (LR),
Midnapore.

Sub : Realisation of damage cost for unauthorized occupation of vested non-agricultural land prior to giving long term settlement of such lands.

Ref : His D.O. No.1229-LRM dated 27.2.86.

In this office memo. No.12773-GE (M) dated 20.12.85/5.2.86 it has been stated that if lease is granted from the date of original possession and rent also realized from that date which includes the period of unauthorized occupation, the question of realization of damage cost does not arise. On the otherhand, if lease is granted from a subsequent date and rent is realized from that date then the question of realization of damage cost for the period of prior unauthorized occupation naturally arises.

As the rate of rent and damage cost is different, i.e, 4% and 10% of the land value respectively confusion may arise as to the applicability of these rates and the dates from which those will be enforced.

Now, in this context the undersigned is directed to say that to avoid complications proposal for long term settlement may be considered from the date of processing of the case and for that purpose rent should be fixed @ 4% of the land value in terms of Rule 166 of W.B.L.M. Manual 1977 when the decision for long term lease is taken.

However, as realization of damage cost is treated as penal measure it should be fixed @ 10% of the land value as per instructions contained in para 7 of this office memo. No.22406(16) Misc. (comp) dated 24.12.76. for the period of unauthorized occupation prior to the grant of the long term lease.

Sd/- Illegible
Deputy Secretary,
Board of Revenue, West Bengal.

Memo. No. 4986(16)-GE (M)

Copy forwarded to the Additional District Magistrate (LR).....
for information and necessary action.

Dated, Calcutta,
The 7th April, 1987.

Sd/- Illegible
Deputy Secretary,
Board of Revenue, West Bengal.

Memo. No.4987(3)-GE (M)

Copy forwarded to the Commissioner.....Division.....for information and
necessary action.

Dated, Calcutta,
The 7th April, 1987.

Sd/- Deputy Secretary,
Board of Revenue, West Bengal.

●

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

No. 2700-GE(M)/24/99 GE(M)

Dated : 25th Sept. 2000.

From : The O.S.D. & Dy. Secy. to the Govt. of West Bengal.

To
The D.L. & L.R.O., Howrah,
P.O. & Dist. Howrah.

**Sub : Realisation of the damage cost for unauthorised encroachment of Govt.
land before granting short-term/long-term lease.**

Ref : His No. Shy-55/2425/LR dt. 24.12.98 from the office of the
D.L.&L.R.O.&A.D.M., Howrah addressed to the Jt. Secy., L&L.R. Deptt.

With reference to the above, the undersigned is directed to send herewith a copy
of Memo No. 4985-GE(M) dated 07.04.87 issued by erstwhile Board of Revenue and to
inform him that the damage cost for unauthorised occupation of Govt. land be realised
yearwise on the basis of the market value of land for that year.

Sd/- Illegible
O.S.D. & Dy. Secy. to the Govt. of West Bengal.

No. 2700/1-GE(M) Dated : 25.09.2000.

Copy forwarded for information to :-
The Commissioner, Presidency Division, 11, Netaji Subhas Road, Calcutta-700001.

Sd/- Illegible
O.S.D. & Dy. Secy. to the Govt. of West Bengal.

**GOVERNMENT OF WEST BENGAL
OFFICE OF THE COMMISSIONER, PRESIDENCY DIVISION,
11, NETAJI SUBHAS ROAD, KOLKATA - 700 001.**

Memo. 42A/RL.

Dated, Kolkata, the 3rd February, 2003.

To
**The Additional District Magistrate &
District Land & Land Reforms Officer,
South 24-Parganas.**

Sub : Long term settlement of C.C. Hg. No.4-2-41.
Ref : His Memo. No.262/LR dated 05.02.1999.

His attention is drawn to his memo no. referred to above, Specific opinion as called for under this office memo. No.364-RL dated 19.09.2000 has not yet been received.

2. Commissioner has kindly perused the report and papers on record and orders that since the unauthorized occupiers have been enjoying this big holding measuring about 4B-18 Kothas now fragmented into 28 small sub-holdings as outlined in the site plan enclosed with his report, long term settlement proposals be proposed in favour of the actual occupiers (not in favour of any person claiming to have been once tenant or sub-tenant but now does not have any possession) on the basis of the current market value of the land with effect from 01.04.2002 **instead of the date of possession to fetch more Government revenue**, as almost all the occupiers have been utilizing the portion under their possession for commercial purposes.

3. He further orders that :-

- (i) the period of unauthorized occupation be regularized by realization of annual rent @ 4% of the market value of the land as may be assessed separately for each of the component years of the period of unauthorized occupation from the date/ year of possession to the date immediately preceding the date from which the lease term is to start, as if the land was settled on year to year basis with the persons in occupation during the period of their occupation.
- (ii) that since the provisions of W.B.E.A. Act & W.B.L.R. Act are not operative in the areas falling within Schedule - I of the Calcutta Municipal Act, 1951, the procedure indicated at 3(i) above be followed uniformly in respect of all cases of settlement of khasmahal land falling within this area and L. T. settlement be proposed with effect from recent dates not preceding 01.04.2001.
- (iii) that all previous orders regarding realization of damage cost for regularization of the period of unauthorized occupation of land in Schedule-I area stand modified to the extent indicated at para 3(i) above.

4. This order issues in consultation with Shri P. Banerjee, IAS, Special Secretary, Land & Land Reforms Department on 31.01.2003.

G.L. Gain
Assistant Commissioner,
Presidency Division.

**Government of West Bengal
Land and Land Reforms Department
LR (A-III) Branch.**

No.1280-GE(M)/3M-25/04.

Dated : 11.05.2004.

O R D E R

The matter pertaining to realization of damage cost at the time of granting long term settlement to the occupiers of Government land has been under active consideration of the State Government in the recent past. After careful consideration, the Governor is pleased hereby to direct that long term settlement of such Government land shall be made with the occupiers of such land for a period of 30 years or more with effect from the date of occupation on realization of salami and rent at such rate as may be determined by the State Government depending upon the nature of use of land.

2. The Governor is also pleased to direct that the cases where damage cost has been charged and realized in granting long term settlement shall not be reopened under any circumstances.

By order of the Governor
Sd/- S. Chakraborty,
Joint Secretary to the
Government of West Bengal.

No.1280/1(40)-GE (M).

Dated : 11.05.2004.

Copy forwarded to :-

- 1) The Commissioner,....., Division,
- 2) The Director of Land Records & Surveys & Joint Land Reforms Commissioner, West Bengal, 35,Gopal Nagar Road, Alipore, Kolkata – 700 027.
- 3) The District Magistrate & Collector,
- 4) The A.D.M. and D.L.L.R.O.
... for information and necessary action.

K.B. Bandyopadhyay
Deputy 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, Gopal Nagar Road, Alipur, Kolkata-700027.

Memo. No. 55/3668-85/C/07

Dated, Alipur, the 18th December, 2007

From : B.P. Gopalika, I.A.S.
Director of Land Records & Surveys
And Joint Land Reforms Commissioner, W.B.

To
The District Land & Land Reforms Officer (All).

Sub : Encroachment on vested land.

It has come to the notice that in many places, often vested lands are not being properly looked after and hence unauthorized encroachments take place on these government lands.

2. Accordingly, it has been decided in consultation with the L.&L.R. Department that Revenue Inspectors in this respective areas, shall immediately prepare the details of all the vested lands and also ensure that no encroachment takes place on these lands. The Revenue Inspector in that area, shall be personally responsible if any encroachment of vested land, takes place in his jurisdiction.

3. He should at once file FIR in the concerned Police Station against the encroacher. Then he should report to BL&LRO regarding encroachment in progress who will make all out efforts to prevent such encroachments.

4. A detailed report on the vested lands available, should be prepared by the Revenue Inspector with the assistance of any other staff and that of the BL&LRO office and submit to the undersigned within 15th February, 2008. DL&LRO will take action to remove such encroachments.

5. DL&LRO will, in the meantime, fix responsibility of concerned R.I. for the encroachment which have already taken place without any action of the part of R.I. concerned.

6. During inspection of the R.I. Office, the Inspecting Officer will invariably go through the list of encroachments in the jurisdiction of the concerned R.I. and take necessary action to prevent or remove the same as per the procedure prescribed.

This should be treated as most urgent.

B.P. Gopalika
Director of Land Records & Surveys
and Jt. Land Reforms Commissioner, W.B.

Memo. No. 55/3686-87/C/07

Dated, Alipur, the 18th December, 2007

Copy forwarded for information & necessary action to :-

- 1) The Principal Secretary to the Govt. of West Bengal
Land & Land Reforms Department & Land reforms Commissioner, W.B.
- 2) The P.S. to M-I-C, Land & Land Reforms Department, Govt. of W.B.

B.P. Gopalika
Director of Land Records & Surveys
and Jt. Land Reforms Commissioner, W.B.

<http://wbllroa.in>