

LAND ACQUISITION (WEST BENGAL AMENDMENT) ACT, 1997

7 of 1997

2nd May, 1997

An Act to amend the Land Acquisition Act, 1894, in its application to West Bengal. WHEREAS it is expedient to amend the Land Acquisition Act, 1894, in its application to West Bengal, for the purposes and in the manner hereinafter appearing; It is hereby enacted as follows:

Section 1 Short title and commencement

(1) This Act may be called the Land Acquisition (West Bengal Amendment) Act, 1997.

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

Section 2 Application of the Act

The Land Acquisition Act, 1894 (hereinafter referred to as the principal Act), shall, in its application to West Bengal, be amended for the purposes and in the manner hereinafter provided.

Section 3 Amendment of section 9 of Act 1 of 1894

In section 9 of the principal Act, after sub-section (3), the following sub-sections shall be inserted:

“(3A) The Collector shall also serve notice to the same effect on all such persons known or believed to be interested in any land, or to be entitled to act for persons so interested, the possession whereof has already been taken on requisition under section 3 of the West Bengal Land (Requisition and

Acquisition) Act, 1948 (hereinafter referred to in this section as the said Act), as re-enacted by the West Bengal Land (Requisition and Acquisition) Re-enacting Act, 1977, and, in every such case, the provisions of sub-section (1) of section 4, section 5, section 5A, section 6, section 7, and section 8 of this Act shall be deemed to have been complied with:

Provided that the date of notice under this sub-section shall be the date of reference for the purpose of determining the value of such land under this Act:

Provided further that when the Collector has made an award under section 11 in respect of any such land, such land shall, upon such award, vest absolutely in the Government, free from all encumbrances.

(3B) The Collector shall also serve notice to the same effect on all such persons known or believed to be interested in any land, or to be entitled to act for persons so interested, the possession whereof has already been taken on requisition under section 3 of the said Act, and notice for acquisition of such land has also been published under sub-section (1a) of section 4 of the said Act, and, in every such case, the provisions of section 4, section 5, section 5A, section 6, section 7, section 8, and section 16 of this Act shall be deemed to have been complied with:

Provided that the date of publication of notice under sub-section (1a) of section 4 of the said Act shall be the date of reference for the purpose of determining the value of such land under this Act:

Provided further that in every such case, the Collector shall make an award under section 11 in respect of such land only for the purpose of payment of due compensation to the persons interested in such land where such land has, upon the Collector taking possession thereof, already vested absolutely in the Government, free from all encumbrances.”

Section 4 Amendment of section 11A

In section 11A of the principal Act, after the proviso, the following proviso shall be added :

“Provided further that in respect of the acquisition of the land referred to in sub-section (3A), and sub-section (3B), of section 9, the award shall be made within a period of two years from the date of the issue of the public notice under section 9.”.

Section 5 Amendment of section 23

To sub-section (1A) of section 23 of the principal Act, the following proviso shall be added:

“Provided that in respect of the acquisition of the land referred to in subsection (3A), and sub-section (3B), of section 9, in addition to the market value of the land, the Court shall in every case award an amount calculated at the rate of twelve per centum per annum on such market value for the period commencing on and from the date of taking possession of the land to the date of the award of the Collector”.

Section 6 Insertion of new section 54A

After section 54 of the principal Act, the following section shall be inserted: “54A. Act to apply to acquisition of land referred to in sub-sections (3A) and (3B) of section 9. Save as otherwise provided in sub-section (3A), and sub-section (3B), of section 9, the second proviso to section 11 A, and the proviso to sub-section (1A) of section 23, the provisions of this Act shall apply to the acquisition of the land referred to in sub-section (3A), and sub-section (3B), of section 9 mutatis mutandis.”.