

Government of West Bengal
Land & Land Reforms and R.R. & R Department
Land Policy Branch
Nabanna(6th Floor)

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

ORDER

No.1944-LP/1E-16/2014(LA-III)

Date: 30/05/2018

WHEREAS land retained under section 6(1)(f) read with section 6(3) of the West Bengal Estates Acquisition Act, 1953(hereinafter called the 'said Act') and comprised in a tea garden is required to be resumed for various public purpose like road, railways, defence, school, colleges, primary health centres etc for time immemorial;

AND WHEREAS such resumption might sometimes result in uprooting of/ diminishing of active tea bushes, shade trees and damages to existing infrastructure ancillary to the tea gardening activity;

AND WHEREAS there is provision for compensation towards active tea bush and shade trees for such resumption under this Department's Order No.1896-LP dated 20/06/2016;

AND WHEREAS the tea garden authorities, tea associations made representations for better compensation package in view of the reduction of area in tea cultivation leading to short term as well as long term loss;

AND WHEREAS such representation for determination of compensation in all such cases of resumption of land from tea garden land was under active consideration of the State Government for some time past;

AND WHEREAS the necessity for framing of a uniform policy for payment of compensation to the lessee for acquisition of land comprised in a tea garden under any statute or resumed under section 6(3) of the said Act has been strongly felt;

AND WHEREAS State Government in the Department of Land and Land Reforms & Refugee Relief and Rehabilitation considered to frame a uniform policy for payment of compensation to the lessee for acquisition of land comprised in a tea garden under any statute or resumed under section 6(3) of the said Act and such proposal has the concurrence of the

State Government in Finance Department vide their UO No.Group-A-II/2016-2017/0026, dated 02/09/16 and U.O. No.59, dated 25/04/2017;

NOW, THEREFORE, after considering all the aforesaid facts, the Governor is pleased hereby to declare that:-

- (a) User right @10% of market value of land will be paid as compensation to lessee/lessees when land comprised in a tea garden is acquired under any statute or resumed under section 6(3) of the said Act;
- (b) Such compensation will be provided only in cases where the land under acquisition/resumption is not surplus to the requirement of the tea garden and which has tea bushes planted on it;
- (c) This provision shall have only prospective effect in consonance with the provision of the prevailing Act- be it either acquired or resumed..

By order of the Governor,

Manoj Kumar Sinha

Assistant Secretary to the Government of West

Date: 30/05/2018

No.1944/1(11)-LP

Copy forwarded for information and necessary action to the:

1. Commissioner, Jalpaiguri Division. P.O.& Distt.- Jalpaiguri.
2. Director, Tea Directorate. Vivekananda Bhawan, Hill Cart Road (NBDD Building), Mallaguri, Siliguri. Pin-734001.
3. Joint Secretary to the Govt. of West Bengal. Cabinet Secretariat
With reference to Decision No.857 of the cabinet held on 23/03/2018.
4. District Magistrate & Collector, Darjeeling/Jalpaiguri/Alipurduar/Kalimpong/Uttar
Dinajpur/ Coochbehar.
5. LA Branch of this Department
6. GE(M) Branch of this Department

Manisha 30/05/2018
Assistant Secretary to the Government of West Bengal

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