

GOVERNMENT OF WEST BENGAL
OFFICE OF THE DISTRICT LAND & LAND REFORMS OFFICER
NORTH 24 PARGANAS

Administrative Building, 3rd Floor, Barasat, North 24 Parganas, PIN 700124

Phone No.: 033 2584-6300 e-mail ID : dlro.n24pgs@gmail.com

Memo No.: Law-(R-2333/23)/ 7732 /DL&LRO(N)/2023 Dated: 17/11/2023

To
The SDL&LRO(all)
The BL & LRO(all)
The O/C., USO, Barrackpore
North 24 Parganas

Sub: Stopping illegal/unlawful sale/transfer of Enemy Properties

Ref: Memo no. ACEP/KOL/39/23/2022-23/579B dtd. 25.01.2023 of
the CEPI, Kolkata Branch and no. 305/247(22)/C/21 dtd. 16.02.2023
of the DLR&S&Jt. LRC, WB

Please find enclosed herewith the above mentioned subject and memos under reference which speaks for itself. He is requested to follow the guideline given by the concerned authority in this regard.

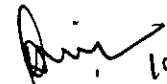
Encl.: As stated.


10/11/23.

District Land & Land Reforms Officer
North 24 Parganas, Barasat

Memo No.: Law-(R-2333/23)/ 7732/1 /DL&LRO(N)/2023 Dated: 12/11/2023

Copy forwarded to the District Magistrate, North 24 Parganas, Barasat for his kind information.


10/11/23,

District Land & Land Reforms Officer
North 24 Parganas, Barasat

C.A. MAUR (S) 12/14/2023/00-708



GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS
OFFICE OF THE CUSTODIAN OF ENEMY PROPERTY FOR INDIA
KOLKATA BRANCH
15, R.N. MUKHERJEE ROAD, KOLKATA-700 001

ENEMY PROPERTY MATTER

Dated, 25.01.2023

File No. ACEP/KOL/39/23/2022-23 / 579B

To
The Inspector General of Registration &
Commissioner of Stamp and Revenue
Government of West Bengal
Office of the Directorate of Registration and Stamp Revenue
Fortuna Tower,
33A, N.S. Road, 9th Floor,
Kolkata-700001

Subject: Stopping illegal/unlawful Sale/transfer of Enemy Properties situated in State-
West Bengal....request for

Respected Sir,

Please find the list of enemy properties [for first phase not exhaustive]
situated in the State-West Bengal recorded in this office as on date. (Copies enclosed).

2. All immovable properties in India which originally belonged to or held by or managed on behalf of all Pakistani nationals have been declared as enemy property and vested in the Custodian of Enemy Property for India (CEPI) vide Government of India Notification No. 12/2/65-E.Pty dated 10.09.1965 and continue to vest in the said Custodian under the provisions of 5 and 24 of the Enemy Property Act, 1968 as amended by the Enemy Property (Amendment and Validation) Act, 2017 and Rules, as amended, framed there under till its disposal by the Central Government under section 8A of the said amended Act. Under the said amendment, all the vested properties are now declared as "Public Premises". It is pertinent to mention that as per the provisions of the Enemy Property Act any transfer of enemy property would be deemed null and void and the property would continue to be vested in the CEPI. The following relevant sections of Enemy Property Act, 1968 as amended by the Enemy Property (Amendment & Validation) Act, 2017 have been extracted and reproduced for your kind perusal:-

As per Section 22A of the Enemy Property Act, 1968 as amended by the Enemy Property (Amendment and Validation) Act, 2017:-

"[22A. Validation.--Notwithstanding anything contained in any judgment, decree or order of any court, tribunal or other authority,--

(a) the provisions of this Act, as amended by the Enemy Property (Amendment and Validation) Act, 2017, shall have and shall always be deemed to have effect for all purposes as if the provisions of this Act, as amended by the said Act, had been in force at all material times:

(b) any enemy property divested from the Custodian to any person under the provisions of this Act, as it stood immediately before the commencement of the Enemy Property (Amendment and Validation) Act, 2017, shall stand transferred to

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and vest or continue to vest, free from all encumbrances, in the Custodian in the same manner as it was vested in the Custodian before such divesting of enemy property under the provisions of this Act, as if the provisions of this Act, as amended by the aforesaid Act, were in force at all material times;

(c) no suit or other proceedings shall, without prejudice to the generality of the foregoing provisions, be maintained or continued in any court or tribunal or authority for the enforcement of any decree or order or direction given by such court or tribunal or authority directing divestment of enemy property from the Custodian vested in him under section 5 of this Act, as it stood before the commencement of the Enemy Property (Amendment and Validation) Act, 2017, and such enemy property shall continue to vest in the Custodian under section 5 of this Act, as amended by the aforesaid Act, as the said section, as amended by the aforesaid Act was in force at all material times;

(d) any transfer of any enemy property, vested in the Custodian, by virtue of any order of attachment, seizure or sale in execution of decree of a civil court or orders of any tribunal or other authority in respect of enemy property vested in the Custodian which is contrary to the provisions of this Act, as amended by the Enemy Property (Amendment and Validation) Act, 2017, shall be deemed to be null and void and notwithstanding such transfer, continue to vest in the Custodian under this Act.]”

As per Section 6 of the Enemy Property Act, 1968 as amended by the Enemy Property (Amendment and Validation) Act, 2017:-

On and from the date of commencement of the principal Act, for section 6 of the principal Act, the following section shall be substituted and shall always be deemed to have been substituted, namely:—

"6. (1) No enemy or enemy subject or enemy firm shall have any right and shall never be deemed to have any right to transfer any property vested in the Custodian under this Act, **whether before or after the commencement of this Act** and any transfer of such property shall be void and shall always be deemed to have been void.

(2) Where any property vested in the Custodian under this Act had been transferred, before the commencement of the Enemy Property (Amendment and Validation) Act, 2017, by an enemy or enemy subject or enemy firm and such transfer has been declared, by an order, made by the Central Government, to be void, and the property had been vested or deemed to have been vested in the Custodian [by virtue of the said order made under section 6, as it stood before its substitution by section 6 of the Enemy Property (Amendment and Validation) Act, 2017] such property shall, notwithstanding anything contained in any judgment, decree or order of any court, tribunal or other authority, continue to vest or be deemed to have been vested in the Custodian and no person (including an enemy or enemy subject or enemy firm) shall have any right or deemed to have any right (including all rights, titles and interests or any benefit arising out of such property) over the said property vested or deemed to have been vested in the Custodian."

Amendment of Section 2- On and from the date of commencement of the Enemy Property Act, 1968 (34 of 1968) (hereinafter referred to as the principal Act), in section 2-

(i) in clause (b),-

- (I) for the words "an enemy subject, the words " **an enemy subject including his legal heir and successor whether or not a citizen of India or the citizen of a country which is not an enemy or the enemy, enemy subject or his legal heir and successor who has changed his nationality** " shall be substituted and shall always be deemed to have been substituted;*
- (II) for the words "an enemy firm", the words "an enemy firm, including its succeeding firm whether or not partners or members of such succeeding firm are citizen of India or citizen of a country which is not an enemy or such firm which has changed its nationality" shall be substituted and shall always be deemed to have been substituted;*
- (III) for the words "does not include a citizen of India", the words "does not include a citizen of India other than those citizen of India, being the legal heir and successor of the "enemy" or "enemy subject" or "enemy firm" shall be substituted and shall always be deemed to have been substituted;*

(ii) in clause (c), in the proviso,-

- (I) after the words "dies in the territories to which this Act extends", the words "or dies in any territory outside India" shall be inserted and shall always be deemed to have been inserted;*

3. Kind attention is hereby invited that several complaints/representations/informations received in this office from different districts of the State-West Bengal specially districts like Murshidabad, **South 24 Parganas**, Kolkata etc., it is understood that the Central Government Properties [**Enemy Properties**] are being taken over under control illegally by encroaching and sale/transfer of enemy properties is going on as well which are against the aforesaid Act and subsequent Rules.

4. For extensive preservation and management of the above state enemy property being the Public Premises, which are vested in the Custodian of Enemy Property for India (CEPI), all the District Magistrates of the State-West Bengal being the Ex-officio Deputy Custodian of Enemy Property may be hereby requested to take immediate action and also requested to convey the fact to concerned District Registrar & Additional District Sub-Registrar, under Clause 4 and 5 of the Enemy Property (Amendment) Rules, 2018.

5. In view of the above, being the Nodal Authority of Registration/Sale of deeds in respect of jurisdiction of State-West Bengal, it is requested to kindly take strong necessary action for preventing illegal/unlawful sale of enlisted and vested immovable enemy properties in State-West Bengal as **enclosed**. However it may be mentioned here that the enclosed list is not exhaustive.

Your kind co-operation in this regard will be highly appreciated.

Encl: as above

Yours faithfully,



(Dr. Bappaditya Dutta)
Deputy Secretary to the Government of India
Head of Office
Office of the CEPI, Kolkata Branch

Copy to:-

1. The Custodian of Enemy Property for India, New Delhi Head Office, East Wing, 1st Floor, Annex Building, Shivaji Stadium, Connaught Place, New Delhi-110001. – For kind information please.
- ✓ 2. The Director of Land Records & Survey, Government of West Bengal, Nodal Officer of Enemy Property, 35, Survey Building, Gopal Nagar Road, Kolkata-700027. – Requested to kindly convey the concerned offices regarding such lease, transfer, sale, title change etc. for vested immovable enemy properties.
3. The Dy. IG of Registration – all WB ranges; in respect of enlisted EPs which fall within their territorial jurisdictions respectively.
4. Shri Azad Singh, Chief supervisor – I, office of the Custodian of Enemy Property for India, Delhi head office, East wing, 1st Floor, Annex Building, Shivaji Stadium, Connaught Place, New Delhi-110001. – For kind information Please.
5. Guard File