



GOVERNMENT OF WEST BENGAL
DEPARTMENT OF LAND & LAND REFORMS & REFUGEE RELIEF & REHABILITATION
6th Floor, NABANNA
325, Sarat Chatterjee Road,
Shibpur, Howrah-711102.

No. : 1242(22)-LP/SM-04/18

Dated: 05.04.2018

From : Shri Manoj Pant, IAS,
Land Reforms Commissioner & Principal Secretary
to the Govt. of West Bengal,
L & LR & R.R. & R. Department, NABANNA, Howrah

To : DM & Collectors - Alipurduar, Birbhum, Bankura, Purba Burdwan, Paschim Burdwan, Coochbehar,
Darjeeling, Uttar Dinajpur, Dakshin Dinajpur, Howrah, Hooghly, Jalpaiguri, Kalimpong, Malda,
Murshidabad, Purba Medinipur, Paschim Medinipur, Nadia, North 24 Parganas, South 24 Parganas, Purulia,
Jhargram.

Subject: Implementation of Chapter IIA of West Bengal Land Reforms Act, 1955, in respect of restrictions on alienation of land held by raiyats, belonging to Scheduled Tribes.

Sir / Madam.

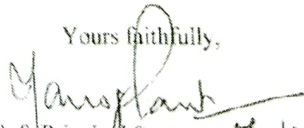
This is regarding restriction of alienation of land held by raiyats belonging to Scheduled Tribes. You are aware that provisions of Chapter IIA of West Bengal Land Reforms Act, 1955 deal with ensuring restrictions on alienation of land held by the raiyats belonging to Scheduled Tribes. It is important that the said provisions are rigorously followed and under no circumstances land held by raiyats belonging to Schedule Tribes be transferred / alienated without the due process of law.

You are, therefore, requested to follow the aforesaid provisions in West Bengal Land Reforms Act, 1955 and relevant rules and orders and ensure protection of land held by raiyats belonging to Scheduled Tribes from transfer/ alienation.

A synoptic note on the provisions for the restrictions on alienation of land held by the raiyats belonging to Scheduled Tribes in Chapter IIA of West Bengal Land Reforms Act, 1955 is enclosed.

Enclosure : As stated

Yours faithfully,

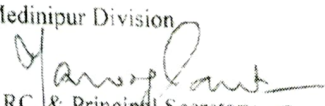

LRC, & Principal Secretary
to the Govt. of West Bengal

No. : 1242(22)/1-LP/SM-04/18

Dated: 05.04.2018

Copy forwarded for information and necessary action to:

- i) Principal Secretary, Backward Class Welfare Department
- ii) Divisional Commissioner Presidency/ Burdwan /Jalpaiguri/ Malda and Medinipur Division


LRC, & Principal Secretary
to the Govt. of West Bengal

Provisions for the restrictions on alienation of land held by the raiyats belonging to Scheduled Tribes in Chapter IIA of West Bengal Land Reforms Act, 1955 :

Section 14B : Any transfer by a raiyat belonging to a Scheduled Tribe of his holding or part thereof shall be void unless it is permitted accordingly by the respective Revenue Officer in his jurisdiction under section 14C of the Act, Chapter-II. Prior written permission of the Revenue Officer is required for the transfer of land belonging to a Scheduled Tribe to a person not belonging to a Scheduled Tribe under section 14C of the Act, Chapter-II, which is permissible only for the improvement of any other part of the holding or investment or such other purpose as may be prescribed. Such transfer of land belonging to a Scheduled Tribe to a person not belonging to Scheduled Tribe is permitted by the Revenue Officer only when he is satisfied that no purchaser belonging to a Scheduled Tribe is willing to pay fair market price of the land.

Section 14D : No transfer of any land belonging to Scheduled Tribe shall be valid unless it is made by registered instruments and no such instrument shall be registered by the Registering Officer or accepted by any court unless it is proved that the instrument does not contravene any of the provisions of this Chapter IIA of the Act. If any question arises in this regard, the registering officer or the court concerned shall refer such question to the Revenue Officer referred to in section 14C of the Act and shall give effect to the decision of the Revenue Officer.

Section 14E : If it is detected that such transfer of land belonging to a Scheduled Tribe has been effected by misrepresentation or fraud and the transferee has continued or is in possession, the Revenue Officer may on his own motion or on an application made in that behalf and after giving the transferee an opportunity of being heard by an order in writing annul the transfer, where necessary, and eject the transferee from such holding or part thereof by application of such force as may be required and the officer-in-charge of the local police station having jurisdiction in receipt of such written requisition shall render all necessary lawful assistance for enforcing delivery of possession of the land to the original Raiyat belonging into Scheduled Tribes.

Sections 14F and 14FF : No decree or order shall be passed by any court for the sale of the holding or any portion thereof of a Raiyat belonging to a Scheduled Tribe, nor shall any such holding be sold in execution of any decree or order.

Section 14I : No suit shall lie in any Civil Court to vary or set aside any order passed by the Revenue Officer in any proceeding under this Chapter except on the ground or fraud or want of jurisdiction.