

Kolkata



Gazette

Extraordinary  
Published by Authority

Notification No. 4118-LP/1A-04/25

Date : 02.12.2025

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

**GOVERNMENT OF WEST BENGAL**  
Department of Land & Land Reforms and Refugee Relief & Rehabilitation  
Land Policy Branch, 'NABANNA'  
325, Sarat Chatterjee Road, Howrah-711 102

**NOTIFICATION**

No. 4118-LP/1A-04/25

Date : 02.12.2025

**Subject - Guidelines for settlement of government lands & vested lands under litigation**

Whereas a large number of land-vesting proceedings initiated by the State under the West Bengal Estates Acquisition Act, 1953 and the West Bengal Land Reforms Act, 1955 are under challenge in the Courts, and are sub-judice before the Hon'ble Supreme Court of India, the High Court at Calcutta or the West Bengal Land Reforms & Tenancy Tribunal; and

Whereas such litigation has been going on for years together thereby not only costing precious judicial time but also entailing substantial financial costs for the State for prosecuting these cases in the different judicial fora; and

Whereas in some cases, the litigants/claimants to such land parcels have been approaching the Government seeking an early resolution of their disputes, and have expressed their readiness to follow the Government's rules and procedures in this regard; and

Whereas keeping the lands locked in litigation does not serve any constructive purpose as the State is deprived of revenue and the land cannot be utilized in a productive manner besides exposing it to the threat of encroachment; and

Whereas the State Government has examined such requests and considers it to be in the public interest to allow a window to such litigants/applicants to approach the Government for settlement of lands under litigation in terms of the State's rules and laid-down procedures for long term settlement of land; and

Whereas such a mechanism will reduce litigation costs of the Government besides generating revenue for the State in the form of proceeds from land settlement, it will also free up large chunks of land for productive utilization thereby leading to more investments and faster socio-economic growth in the State; and



Whereas the existing legal provisions mentioned below provide for settlement of Government/vested land among private individuals and entities:-

- (i) Sub-section (1) and sub-section (3) of section 6 of the West Bengal Estates Acquisition Act, 1953 read with Form-1 (Schedule F) under the West Bengal Estates Acquisition Rules, 1954;
- (ii) Section 49 and section 52 of the West Bengal Land Reforms Act, 1955;
- (iii) Rule 216 read with rule 238 of the West Bengal Land & Land Reforms Manual, 1991;
- (iv) Para 3 and other provisions of the State's Land Allotment Policy, 2012

Whereas to afford an equal opportunity to all, the Government considers it necessary in the public interest to lay down Guidelines for Settlement of Government/ Vested Lands under Litigation, and prescribe the procedure for such settlement in a fair and transparent manner;

Now, therefore, the State proposes to issue the following guidelines and principles for such allotment:-

1. The lands vested to the State under the West Bengal Estates Acquisition Act, 1953 and the West Bengal Land Reforms Act, 1955 and which are affected by litigation against the State, from a date prior to 26.12.2012 (i.e., the date on which the State's Land Allotment Policy was notified) will come under the purview of these guidelines, with the following exceptions:-
  - (i) Vested lands which may already have been settled by the State through Pattas/leasehold rights, etc.;
  - (ii) Lands of tea gardens resumed under the proviso of sub-section (3) of section 6 of the West Bengal Estates Acquisition Act, 1953;
  - (iii) Lands of Sairati interests and other interests of the State;
  - (iv) Lands with existing easement rights;
  - (v) Lands being the subject matter in the *Bhumijibi Sangha* case pending before the Supreme Court of India or any other land, the litigation related to which, in the opinion of the State Government, involves a substantial question of law and where the State's legal stand and interest need to be protected.
2. The following categories of persons who claim to have a right or interest in a Government land or land vested by the State, and such land being the subject matter of a legal dispute/ litigation relating to such vesting, may apply for settlement of such land on long term lease as per the extant rules:-
  - (i) erstwhile raiyats/intermediaries;
  - (ii) transferees/successive transferees from such erstwhile intermediaries or raiyats or the nominee(s) of such transferees (regardless of /notwithstanding the fact that such transfer was a post-vesting transfer of land).
  - (iii) holders of a registered development agreement from such erstwhile intermediaries or raiyats or their transferees provided however, that in such event, the raiyats or the registered title holder must have his consent for direct settlement of the land in favour of such registered development agreement holder and provided further, that such agreement holder agrees to pay stamp duty and registration fees as on a conveyance on the market value of land as applicable, apart from the applicable fees for settlement of such land.
3. At the time of the grant of long-term settlement, the lessee shall also have an option of converting the leasehold status into freehold status upon payment of the applicable fees.
4. The State Government may, after examining each case on its merits, and ensuring that the State's revenue interest is fully protected, may grant long term settlement of such lands subject to the following conditions:-
  - (i) For settlement of the land on lease for 99 years, realisation of Salami @ 95% and annual rent @ 0.3% of the current market value as assessed by the Inspector General of Registration and vetted by the Finance Department;



- (ii) For settlement of the land on lease for 30 years, realisation of Salami @ 40% and annual rent @ 4% of the current market value as assessed by the Inspector General of Registration and vetted by the Finance Department:

Provided that in respect of (i) and (ii) above, in case of ceiling-surplus land held /acquired/purchased by the applicant with the intention to set up an Industry and which has subsequently been vested, such land may be settled, upon the recommendation of the concerned Department of the State Government viz. Micro, Small and Medium Enterprises & Textiles Department, Industry Commerce & Enterprise Department etc. for a period of 99 years, at a concessional Salami @ of 2% and an annual rent of 0.3% per annum of the land's current market value, as per the practice in vogue;

- (iii) For conversion of the leasehold status of the land to freehold status, a conversion fee shall be payable @ 15% of the current market value (in respect of LTS for 99 years) or 70% of the current market value (in respect of LTS for 30 years) provided that if the long-term settlement is/was done at a concessional rate of Salami @ 2%, he shall have to pay 7% of the current market value less the Salami already paid earlier;
- (iv) Payment of applicable annual rent/ land revenue, along with the interest, for the period that the Government/ vested land has been under the applicant's possession or as may be decided by the State Government;
- (v) Withdrawal/ disposal of all Court cases against the Government in the different Courts, and submission of Court orders recording disposal/permitting the withdrawal of such proceedings along with an Affidavit/ Indemnity Bond stating that there is no litigation with the Government pending in any legal forum related to the land in question;
5. All such applications will initially be examined by the Land & Land Reforms & Refugee Relief & Rehabilitation Department and, as a part of the due diligence process, a Public Notice will be published through the Information & Cultural Affairs Department, for the awareness of the general public about the applicant's prayer and the proposed settlement of the land.
6. To address the aspects of law (esp. withdrawal/ disposal of legal proceedings) and in order to protect the State's revenue interest and other interests, each case will also be referred for inter-Departmental consultation, to:
- Law Department, for its recommendation/view;
  - Finance Department, for its concurrence;
  - Committee of Secretaries.
7. Finally, each processed case will be placed for consideration before the Standing Committee of the Cabinet on Industry, Infrastructure and Employment.

These Guidelines are issued with the approval of the Cabinet vide the Cabinet Secretariat U/O No. CAB(D)-1391 dated 26.11.2025.

By Order of the Governor,

DIBYENDU BHATTACHARYYA, WBCS (Exe.)  
Special Secretary to the Government of West Bengal