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

GOVERNMENT OF WEST BENGAL

Land and Land Reforms Department

Land Reforms Branch

Writers' Buildings, Kolkata - 700 001

NOTIFICATION

No. 1332-LR/1A-01/10GE(M), the 1st day of March, 2011.— WHEREAS the draft amendments was published as required by sub-section (1) of section 60 of the West Bengal Land Reforms Act, 1955 (West Ben. Act X of 1956) (hereinafter referred to as the said Act) vide notification No. 6993-LR dated the 28th day of December, 2010, in the *Kolkata Gazette, Extraordinary*, dated the 30th day of December, 2010, inviting objections and suggestions from all persons likely to be affected thereby, within thirty days from the date of its publication;

AND WHEREAS no objections or suggestions have been received by the State Government till date;

NOW, THEREFORE, in exercise of the power conferred by section 60 of the said Act, the Governor is pleased hereby to make, with immediate effect, the following amendments in the West Bengal Land Reforms Rules, 1965, as subsequently amended (hereinafter referred to as the said rules), namely:—

Amendments

In the said rules, —

- (1) in sub-rule (6) of rule 5A, for the words "the Revenue Officer attached to his office", substitute the words "the Revenue Officer or the Revenue Inspector posted under him and within his jurisdiction";
- (2) after rule 5A, insert the following rule:—

"5AA. Manner of regularisation of change of character, conversion or alteration in mode of use of any plot of land held by raiyat and payment of fees for such regularisation.— (1) Any raiyat holding any plot of land not exceeding 0.03 acre situated in the area falling within the local limits of any Municipal Corporation or Municipality or any plot of land not exceeding 0.08 acre situated in the area not falling within

the local limits of any Municipal Corporation or Municipality, other than any plot of land having water body of any description or size, which has been changed, converted or altered in violation of the provisions of sub-section (2) of section 4C, shall make an application to the Block Land and Land Reforms Officer, empowering, in writing, to discharge the function of the Collector for regularisation of such change, conversion or alteration under sub-section (6) of section 4C, in Form 1C and shall be accompanied by such documents as mentioned in said Form 1C.

(2) After receiving the application as mentioned in sub-rule (1), the Block Land and Land Reforms Officer may himself conduct necessary inquiry or may cause it to be done by the Revenue Officer or the Revenue Inspector posted under him and within his jurisdiction to ascertain if the applicant is a *bona fide* holder of the plot of land as already changed, converted or altered and all the persons having interest in such land have joined in the application, and as well as in all cases, to ascertain the followings:-

- (a) if the change of character, conversion or alternation in the mode of use of the plot of land has caused inconvenience to the residents of the surrounding areas;
- (b) if the change of character, conversion or alternation in the mode of use of the plot of land has interfered with the normal agricultural activities in the surroundings areas;
- (c) if the change of character, conversion or alteration in the mode of use of the plot of land has in any way hampered the public easement recorded in respect of such plot of land;
- (d) if there is any bargadar in respect of such plot of land;
- (e) if such permission is in any way prejudice the application of the provision of sub-section (3) of section 6 of the West Bengal Estates Acquisition Act, 1953 (West Ben. Act I of 1954) or the provisions of the Urban Land (Ceiling and Regulation) Act, 1976 (33 of 1976), or the provisions of the West Bengal Town and Country (Planning and Development) Act, 1979 (West Ben. Act XIII of 1979) or the provisions of the East Kolkata Wetlands (Conservation and Management) Act, 2006 (West Ben. Act VII of 2006), if applicable.

(3) No field inquiry shall be conducted without giving at least seven days notice to the applicant specifying the date and time of such inquiry.

(4) As soon as necessary inquiry is completed, notice shall be issued to the applicant concerned and *bargadar*, if any and all other persons interested in such plot of land or affected in any way for giving them an opportunity of being heard specifying the date and time when such hearing shall be taken, and the dates so fixed shall not be extended except in the deserving cases duly recorded the reasons thereof in the relevant order sheet of the case record. If there is any *bargadar* on the plot of land, no permission to regularise the change of character, conversion or alteration in the mode of use of the plot of land may be granted save and except the cases where such permission as sought for relates to such purposes as stated in the proviso to sub-section (5) of section 20B of the Act and written confirmation from the *bargadar* is submitted by the applicant concerned to the effect that he has been properly compensated in accordance with said proviso to sub-section (5) of section 20B of the Act.

(5) The Block Land and Land Reforms Officer shall, after considering the facts and circumstances of the case and after giving the applicant and other concerned persons including *bargadar*, if any, an opportunity of being heard, by an order in writing either reject the application or direct regularisation of such change, conversion or alteration as sought for on the following terms and conditions and such other terms and conditions as he may think necessary:-

- (a) that the order directing regularisation of such change, conversion or alteration is without prejudice to any of the provision of Chapter-IIB of the Act;

- (b) that the order directing regularisation of such change, conversion or alteration is without prejudice to the provisions of sub-section (3) of section 6 of the West Bengal Estates Acquisition Act, 1953 (West Ben. Act I of 1954);
- (c) that where the plot of land is situated within any urban agglomeration within the meaning of the Urban Land (Ceiling and Regulation) Act, 1976 (33 of 1976), the order directing regularisation of such change, conversion or alteration is without prejudice to the provisions of the said Act;
- (d) that where the plot of land is situated within the jurisdiction of a Development Authority constituted under the West Bengal Town and Country (Planning and Development) Act, 1979 (West Ben. Act XII 1979), the order directing regularisation of such change, conversion or alteration is without prejudice to the provisions to the said Act;
- (e) that where the plot of land is situated within the areas of East Kolkata wetlands as defined in the East Kolkata Wetlands (Conservation and Management) Act, 2006 (West Ben. Act VII of 2006), the order directing regularisation of such change, conversion or alteration is without prejudice to the provision of the said Act;
- (f) that where the object of change or conversion or alteration is to use the plot of land for a purpose for which approval or permission or licence from an appropriate authority is necessary, order directing regularisation of such change, conversion or alteration is subject to obtaining such approval or permission or licence from such authority as soon as the order directing regularisation of such change, or conversion or alteration as sought for is made.

(6) The fees payable for regularisation of such change of character, conversion or alteration in the mode of use of the plot of land as applied for, shall be an amount equivalent to 25 times of the rate of land revenue payable in respect of the plot of land as already changed, converted or altered and such fees shall be payable within 15 days from the date of the issue of the order for regularisation of such change of character, conversion or alteration in the mode of use of the plot of land failing which the order so issued shall stand automatically cancelled.

(7) Every application for regularisation of such change of character, conversion or alteration in the mode of use of any plot of land shall be disposed of by written order either rejecting such application or directing regularisation of such change, conversion or alteration, within a period of not exceeding 90 days from the date of receiving of such application and in case of disposal of an application can not be made within the said period of 90 days, reasons thereof shall be recorded in the relevant order sheet of the case record.

(8) In respect of every order directing regularisation of change of character, conversion or alteration in the mode of use of any plot of land it has to be specified that such regularisation shall take effect from the date of issue of such order.”;

- (3) after rule 14A *insert* the following rule:—

“14B. Manner of restoration under sub-section (2) of section 14E. – the Revenue Officer shall restore the plot of land or part thereof which has been transferred by a *raiyat* belonging to a Scheduled Tribe or an equivalent quantum of plot of land or part thereof of the same character within the near vicinity of the transferred plot of land or part thereof after conducting such inquiry as he may think necessary and after giving the interested persons an opportunity of being heard. In case of restoration of an equivalent quantum of plot of land or part thereof of the transferred plot of land or part thereof, the Revenue Officer shall ascertain whether the transferrer or his successor-in-interest willingly accept such plot of land or part thereof for the purpose of such restoration and also ascertain whether such plot of land or part thereof so to be restored has been transferred by a registered instrument in favour of the said transferrer or his successor-in-interest, by the transferee.”;

(4) after Form IB, insert the following form:—

“Form IC

(See sub-rule (1) of Rule 5AA)

[Application for regularisation of change of character, conversion or alteration in the mode of use of a plot of land.]

FROM:

.....

[State Name and address of the applicant(s)]

To : The Block Land and Land Reforms Officer,

.....

Sub : Application for regularisation of change of character, conversion or alteration in the mode of use of a plot of land made in violation of the provision of sub-section (2) of section 4C of the West Bengal Land Reforms Act, 1955.

Sir,

I/We have the honour to apply for regularisation of change of character, conversion or alteration in the mode of use of the plot of land for the purpose of

2. The particulars of the plot of land with respect to which such regularisation is required are furnished below:—

- | | |
|--|---|
| (1) Name of the District | : |
| (2) Name of the Block | : |
| (3) Name of the police station | : |
| (4) Name of the mouza | : |
| (5) Jurisdiction List No. | : |
| (6) Khatian No. (R.S. & L.R.) | : |
| (7) Plot No. (R.S.&L.R.) | : |
| (8) Area of the Plot (R.S. & L.R.) | : |
| [If part plot, specify the area and portion] | |
| (9) Existing Classification of the Plot | : |

3. The following documents, in duplicate, are enclosed with this application:—

- (1) Copy of mutation certificate or copy of current record-of-rights.
- (2) Copy of current rent receipt.
- (3) Sketch map showing the plot in question with side measurement and its surroundings including approach road (may not be to the scale).

4. I/We also declare and undertake—

- (1) That the plot of land, in question shall be used strictly for the purpose for which permission for such regularisation shall be granted;
- (2) That there is no bargadar, in the plot of land, in question;

- (3) That the fees payable for such regularisation shall be deposited within 15 days from the date of order for such regularisation;
- (4) That no work shall be done on the plot of land, in question that may lead to further conversion of the same unless permission as sought for is granted;
- (5) That necessary approval or permission or licence shall be obtained from the appropriate authority as required for execution of the work on the plot of land, in question as soon as permission for such regularisation as sought for is granted;
- (6) That there is no other plot of land except the plot of land which has been changed, converted or altered in violation of the provision of sub-section (2) of section 4C of the Act;

5. I/We further declare —

- (1) That the plot of land, in question is under peaceful possession of myself / ourselves and it is free from all encumbrances;
- (2) That the plot of land, in question is not involved in any proceeding for vesting under the provisions of any law;
- (3) That the plot of land, in question is not involved in any court case which prohibits regularization of such change of character, conversion or alteration in the mode of use of the land.

6. I/We also declare and undertake that in case it is proved at any point of time that the documents furnished and the statements made hereinabove are not true and correct, I/We am/are liable for any legal action which will be taken by the competent authority in this regard including cancellation of order granting regularization of such change of character, conversion or alteration in the mode of use of the plot of land as sought for.

Encl: As stated above :

Yours faithfully

Place :

(Full signature of the applicant(s)

Date :

with seal, if any.)”.

By order of the Governor,

R. D. MEENA,
Pr. Secy. to the Govt. of West Bengal.