

GOVERNMENT OF WEST BENGAL
OFFICE OF THE DIRECTOR OF LAND RECORDS & SURVEYS AND
JOINT LAND REFORMS COMMISSIONER, WEST BENGAL
35, GOPAL NAGAR ROAD, ALIPORE, KOLKATA-700 027.
Tel. Ph.: 2479-5727/5991/7355 ; Fax : 2479-8804/7361

Circular

No. 9/ 5113 /C/12

Dated, Alipore, the 12th Dec, 2013

We may recall the memo no. 1882-LP/2P-2/13(Pt-1) dated 12.04.13 of the Land and Land Reforms Department, Land Policy Branch wherein it was instructed to submit formal proposal for resumption of land along with reconnaissance survey report in respect of Mill, factories or workshops. It was also stated that the earlier proposal was treated cancelled. As a result of the said circular reconnaissance survey in connection with all the Mills, Factories are to be done denovo irrespective of whether reconnaissance survey was done earlier and proposal for retention/resumption of land was submitted or not.

The Mills, Factories etc. would come under the ambit of such survey which existed on the date of vesting with reference to W.B.E.A. Act. An examination of position of R.S. as well as L. R. records is very much important from the view that necessary entries as instructed in relation to 6(3) hit lands were made in both R.S. and L.R. records in all cases before or after issuing notification for retention/resumption. In this regard the General order No. 28 dated 11th / 18th February 1963 and item marked as (g) and (j) in page no. 34 and 35 of General Instructions excerpt of which are appended herewith for ready reference, should be followed. It should be understood that there is a basic difference of land used for Mill, Factories etc. with that being used for the purpose of tea cultivation. The land under tea cultivation is allowed to retain through a lease having some terms and conditions vide schedule F and Form – 1 of W.B. Estates Acquisition Rules, 1954 but no lease deed is executed for the lands used for mill, factory, etc. the Sec. 14Z(2) of WBLR Act does not bear any conformity to the above. In this case, the normal ceiling limit prescribed u/s 14M of WBLR Act will always be applicable to a raiyat. By the way, the judgement passed by the Hon'ble Supreme Court of India in relation to Civil Appeal Nos. 369-370/2005 (State of W.B. & Others – VS – Ratnagiri Engineering Pvt. Ltd. & Others) arising out

of W.B.L.R.T. No. 279 of 2002 and W.P.L.R.T. No. 309 of 2002 may be discussed on two salient points.

(i) The mills, factories existed on the date of vesting with reference to WBEA Act, 53 will be dealt u/s 6(1)(g) but never u/s 14Z of W.B.L.R. Act.

(ii) The mills and factories where no order for retention of land is passed a notice to be issued to know under which capacity such lands are being possessed. In order to highlight the present shape of law the explanation-II brought through the West Bengal Estates Acquisition (Amendment) Act, 2009 to section 6(3) of the said Act is relevant to follow for those Mills, Factories where there was order for retention of land.

The subject-matter of such notice must be disposed as per law.

So, the related record of rights both R.S. and L.R. are required to be made time-suited by incorporating proper entries in respect to the Khatian / Plot of land to the effect of Sec 6(3) of W.B.E.A. Act or Sec 14Z of W.B.L.R. Act as the case may be in order to avoid any confusion/litigation.

The correction / revision of R.S. records is to be done u/s 44(2a) of WBEA Act and the section 51A(4) of WBLR Act will be invoked for correction / revision of LR records. The entry প: ব: জমিদারী আইনের ৬(৩) নং ধারা প্রযোজ্য will be incorporated in R.S. and L.R. record and প: ব: জমিদারী আইনের ৪(১)(C) নং ধারা প্রযোজ্য In L.R. record, the entry প: ব: ভূ: স: আইনের 14Z(2) নং ধারা প্রযোজ্য will be noted in L.R. record in case of 14Z affected land.

This is for immediate compliance.


Director of Land Records & Surveys,
In the rank of Secretary, L & L R Deptt. W.B.
13/12/13

Memo no. 9/5114-5133/C/12


Dated, Alipore, the 12th Dec, 2013

Copy forwarded to

(1) Addl. Chief Secretary & L R C – This has a reference to his verbal instruction on 11/12/13.

(2) The Joint Director Land Records & Surveys, W.B. computer section requesting necessary action for updation of software so that the correction may be recorded.

(3-20) District Land and Land Reforms Officer for information. He is requested to direct the BL&LROs to incorporate the comment in the khatian on a time bound programme to be completed by the end of 15th January, 2014.


Director of Land Records & Surveys,
In the rank of Secretary, L & L R Deptt. W.B.

D: anish/9__C_12(n)

Government of West Bengal
Office of the Director of Land Records & Surveys &
Joint Land Reforms Commissioner, West Bengal
35, Gopalnagar Road , Alipore, Kolkata 700027.
Tel: 2479-5727/5991/7355.

Memo. No. 9/ 2423 / C / 12

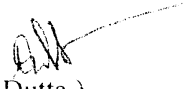
Dated Alipore, the 20th March, 2014.

CORRIGENDUM

A circular has been issued vide this office memo. no. 9/5113/C/12 dated, Alipore, the 12th December, 2013 wherein in the last paragraph it is inadvertently written as

‘প: ব: জমিদারী আইনের ৪(১)(C) নং ধারা প্রযোজ্য’. It should be read as ‘প: ব: ভূ: স: আইনের ৪(১)(C) নং ধারা প্রযোজ্য’.

All concerned are requested to act accordingly.


(S. Dutta.)

Director of Land Records & Surveys &
Joint Land Reforms Commissioner, West Bengal

Memo. No. 9/ 2424-2443 / C / 12

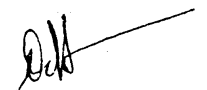
Dated Alipore, the 20th March, 2014.

Copy forwarded to

(i) The Additional Chief Secretary & Land Reforms Commissioner, Land & Land Reforms Department, Government of West Bengal for his kind information.

(ii) The Joint Director, Land Records & Surveys , West Bengal for information and necessary action.

(iii-xx) District Land & Land Reforms Officer, for information and necessary action.


(S. Dutta.)

Director of Land Records & Surveys &
Joint Land Reforms Commissioner, West Bengal

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