

Land & Land Reforms Department
Government of West Bengal
(Land Acquisition Wing)-
Writers' Buildings, Kolkata – 700 001.

No. 1111-LA-3M-04

Date 4th April 2006

From : Joint Secretary to the Govt. of West Bengal

To : The Collector

_____ District/1st LAC, Kolkata

Sub : Clarification regarding compulsory acquisition of land vested under any other law, whether settled or not settled.

Whereas, clarification have been sought for by some LA Collectors, regarding the manner of disposal of LA cases pertaining to land already vested by operation of any other law and now settled through patta or by lease or still retained by the Collector pending such settlement and the mode as well as the manner of paying compensation for compulsory acquisition of such land ;

Now, after careful consideration of the matter, the Governor is hereby pleased to order as follows :-

(1) Any land, even if vested to the State by operation of any other law and such land is settled on long term lease basis or by issuance patta or still pending for such settlement, shall come under the purview of compulsory acquisition of land under the Land Acquisition Act, 1894;

(2) Notices should be given to concerned patta-holders and lease holders for land settled and such notices should be given to the Collector for land yet to be settled and all procedures relating to acquisition of land shall be observed in finalizing the LA proceedings. However, the award of compensation be made for the aforesaid categories of holdings in the manner prescribed below :

(a) Award should be declared in favour of the Collector, if the land as already vested is still not distributed or leased out. The award shall include market value of land and 12% additional compensation but not 30% solatium. The Collector shall deposit the awarded amount in the appropriate Receipt Head L & LR Department;

(b) If patta was issued over the land in question, award shall be declared in favour of the patt-holder or his successors-in-interest. Such award shall include all the elements as provided u/s 23 of the LA Act, 1894 including solatium;

(c) If any land is acquired under LA Act of 1894, which is a land held by a long term lessee, the lessee shall lose all his lease hold interest with effect from the date of declaration u/s 6 of the said Act and the lease holder shall be compensated in the manner specified below :

- i) Out of the amount of selami realized from lessee, the calculated balance of such amount for the remaining years of the lease period, shall be refunded together with 6.25% p.a. interest for the years for which the refundable balance was with the Government. [For example, if a lease was granted for 30 years realizing Rs. 60,000.00 as selami and the lease is terminated after 10 years the lessee shall be refunded Rs. 40,000.00 (as principal) plus interest on Rs.40,000.00 @ 6.25% for 10 years]
- ii) Besides, the lessee shall get valuation of the structure[s], if any, erected by him after obtaining the lease;
- iii) However, as on termination of lease on declaration u/s 6 of the Act, the land gets resumed to State, the market value of the land shall be payable to the Collector including 12% of additional compensation but excluding solatium, deducting the refund;

3] All such costs shall be borne by the requiring body as a part of LA cost and Land Acquisition Collector should include these elements while preparing the estimate.

This order is issued in supersession of this Department's G.O. No. 1682-LA/3M-04/05 dated 6.7.05.

(Sd/-S.K. Mukherjee)
Joint Secretary to the
Govt. of West Bengal

No. 1111-LA-3M-04

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Copy forwarded to :-

- (1) The Divisional Commissioner, Presidency Division/Burdwan Division/
Jalpaiguri Division.
- (2) The District Magistrate & Land Acquisition Collector
District P.O. District....., West Bengal
- (3) The Additional District Magistrate [LA]/Spl. Land Acquisition Collector,
District.....West Bengal
- [4] The 1st LA Collector Kolkata, 5 Bankshall Street, Kolkata – 700 001.
- [5] The ADM[LR] and DL&LRO, District....., West Bengal
- [6] The BL&LRO,Block....., District... West Bengal
- [7] Guard File of LA Wing of this Department.

Sd/-
Joint Secretary to the
Govt. of West Bengal