

Circular

Subject : Recording of Refugee land.

The R.R. & R. Department in the Govt. of West Bengal in order to rehabilitate the displaced Refugees from East Pakistan upto 1971 had acquired land as well as obtained the same at various times by other means for their resettlement in various Government Sponsored squatter colonies in both urban and rural areas. Refugees were settled by the R.R. & R. Department by providing homestead land in the urban areas and agricultural land in addition to homestead land in the rural areas as the cases may be. But many problems have cropped up in recording of such beneficiaries of R.R. & R. Department land as well as the subsequent transferees of such land in a number of places in almost all the districts and as a result there appears to be a stalemate condition in the progress of updating the ROR in respect of the refugees land.

To break this stalemate in the state of affairs the lease deed and particulars of the present occupants must be ascertained and examined carefully.

Generally three types of cases may arise :

- i) Land in urban area has been leased out to refugees for 99 years. In the lease deeds, the lessees have not been permitted to alienate the land in any manner, whatsoever or part with possession of the same without special permission of the Government.
- ii) A gift deed is registered by the SDRRO by a process of conferment of right and title (CONRIT) in favour of a bonafide refugee and has a non Transferable period of 10 years. After the lapse of 10 years the land can be transferred. In certain compassionate cases R.R. & R. Department may allow transfer before expiry of 10 years.
- iii) Land is also transferred to a refugee through a free-hold right and title deed(FHTD). The earlier lease deeds are now being converted into free hold title deed . Here also such deed bars any transfer within 10 years.
- iv) The R,R & R Department has also leased out it's land to various schools, Colleges, Clubs, Libraries, Hospitals, Markets, Fisheries, etc. from time-to-time to various individuals or agencies also on long-term settlement basis. Here also there is a bar for transfer without prior permission of the R,R & R. Department.

In a Proceeding with L.R. Department & R.R.&R. Department it was clearly stated that land acquired by the R.R. & R. department and subsequently transferred to the refugees by dint of CONRIT or free hold title deed should be recorded in the name of R.R. & R. Department first and then khatians should be opened in the name of F.H.T.D. holder on the basis of possession and deed.

In fact , it is observed that the lands of the erstwhile squatters colonies were allotted to refugees as per layout and plan made by the R.R.& R. Department . But in 90% of the cases the said refugee are occupying land according to their own sweet will.

Secondly in most of the cases the refugees have already sold their lands to non-

refugees persons validly and in some cases without any permission.

However after careful consideration of the pros and cons of the cases of the refugee land and in order to up date the relevant Records it is suggested that:

- 1) A detailed survey by patch kistwar should be made in respect of refugee colony if not at all surveyed. The District R. R. & R. establishment should also be involved in the exercise. The DLLRO shall take it up with the ADM (R. R. & R.)
- 2) The district R.R.&R. Office /Sub-divisional R.R.&R. Office shall be asked to prepare a list of all R.R.& R. lands under their possession as per proforma given in Annexure 'A' within a reasonable time and should be collected by the District Land & Land Reforms Officer send Transmitted to the concerned S.D.L.& L.R.O. and B.L.& L.R.O. to do the needful recording in the R.R. & R. khatian.
- 3) As the deeds have been preserved haphazardly in the district R.R.& R. office monthly, it is best that an inventory of all the leases/deeds should also be made by the district R.R.&R./Sub-divisional R.R.& R. Office as per proforma given in Annexure 'B' within a reasonable time. This can be computerized also for easy access and should be collected by the District Land & Land Reforms Officer and transmitted to the concerned S.D.L.& L.R.O. and B.L.& L.R.O. to do the needful recording.
- 4) Survey can be carried out immediately on the basis of preliminary reports as to the location of the R.R.& R. colonies and the settlement made on the basis of LOP (Land outlay plot no. of R.R.& R. Department) which would require patch kistwar for the whole colony and preparation of hal-sabek list of plot no.s for easy convenience. Survey can be done on the existing scale itself and new roads and other important features within the colony should be delineated without fail. R-O-Rs already framed should be cancelled as per the appropriate section under W.B.L.R. Act.
- 5) As per possession the recording should be made strictly except in the case of encroachers/transfers made within prohibited period of 10 years wherein the invalid transfers shall not be taken cognizance and the r-o-r shall be left in the name of the R.R.& R. Department. This applies to even cases where there is a discrepancy between the possession details and the deed particulars. Possession by the refugee is the basic feature. Non-refugees in possession cannot be recognized and the land would be kept recorded in R.R.& R. Department only.
- 6) A Khatian should be opened in case of lease deed CONRIT or gift or F.H.T.D. if the concerned refugee has not alienated the land within the prohibitory period in a similar fashion as in pattas by doing a math khasra under any section of the W.B.L.R. Act, 1955 as would be applicable. If the land is sold within the prohibitory period the record will stand in the name of R.R. & R. Department and not in the name of non refugee purchaser. The Proforma 'B' would be able to provide guidance.
- 7) If the B-II touzi khatian of the R.R. &R Department has not been up- dated then it should be updated on the basis of information given in proforma 'A'.
- 8) For the case of a lease deed given to a refugee as in type (i) case, the refugee should be told to convert his lease deed into a free-hold sight and title deed (FHTD) at the

District and R, R & R Office and then bring it for recording and in no case recording should be done on the basis of a lease deed.

- 9) For gift deed given to a refugee a model khatian should be opened which is at Annexure 'C'.
- 10) For free hold title deed given to a refugee recording is shown in model khatian at Annexure 'D'.
- 11) For the case of settlement by the R,R & R Department as in the case (iv) the model khatian is given in Annexure 'E'.

It is further impressed that correctness of recording of refugees lands is mostly depending upon accuracy of the Survey conducted and availability of records from the R.R.& R. local office. . In this connection the R.R. & R. Department may be requested to facilitate information already available with them.

Immediate steps should be taken so as to complete the enter work within 3 months.

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and Joint land Reforms Commissioner,
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Memo No.

Dated, Alipur, the

Copy forwarded for information and necessary action to

1. The Principal Secretary , Land & Land Reforms Department.
2. The Joint Secretary, land & Land Reforms Department.
3. The District Land & Land Reforms Officer / Sub-divisional Land & Land Reforms Officer
4. Sri
5. Sri S. Karmakar, SRO-II Library Section , Dte.
6. Sri A Chowdhury, H.A. 'C' Group
7. Sri T. Manna, UDA , 'C' Group for guard file.

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