

The West Bengal Public Land (Eviction of Unauthorised Occupants) Rules, 1963*

Land and Land Revenue Department LAND REFORMS

Notification No. 3666-L Ref.—7th March, 1963.—In exercise of the power conferred by section 9 of the West Bengal Public Land (Eviction of Unauthorised Occupants) Act, 1962 (West Bengal Act XIII of 1962), read with section 11 of the said Act, and in supersession of this Department Notification No. 13084-L. Ref., dated the 17th October 1962, published at pages 3031-3032 of Part I of the *Calcutta Gazette, Extraordinary*, of the 19th October, 1962, the Governor is pleased hereby to make the following rules for carrying out the purposes of the said Act, namely :

[R U L E S

1. Short title.

These rules may be called the West Bengal Public Land (Eviction of Unauthorised Occupants) Rules, 1963.

2. Definitions.

In these rules,—

- (a) "the Act" means the West Bengal Public Land (Eviction of Unauthorised Occupants) Act, 1962 ;
- (b) "section" means a section of the Act.

3. Form and manner of service of notice under sub-section (2) of section 3.

[(1) The notice referred to in sub-section (1) of section 3 shall be in the form appended to these rules or in a form substantially similar thereto and shall contain a description of the public land in unauthorised occupation and the date by which cause is to be shown by the persons concerned ; and

* Published in the *Calcutta Gazette Extraordinary*, Part-I, Dated 9.3.1963.

1. Under section 9 of West Bengal Ordinance No. VI of 1962, Rules were published by Notification No 13024-L. Ref. dated 17.10.62 which were superseded by these Rules.

These Rules were first published by Notification No. 3666-L. Ref. dated 7.3.63 and have been subsequently amended by various notifications.

2. Sub-rule (1) of rule 3 was substituted by Notification No. 1034-L. Ref. dated 22.1.66, published in *Calcutta Gazette Extraordinary* dated 22.1.66, Part I, Page 300.

¹(2) The notice referred to in sub-section (1) of section 3 shall be served by affixing it on a conspicuous part of the public land concerned and also by proclaiming its substance by beat of drums in the locality where the public land concerned is situated.

4. Recovery of damages ²[under section 4-A].

The amount of damages payable ³[under section 4-A] shall be as specified below, namely,—

- (i) in the case of land, at double the rate of rent prevailing for similar lands with similar advantages in the vicinity, and
- (ii) in the case of building, at one and one-half times such rent as the Collector deems reasonable having regard to the situation, locality and condition of the building and the amenities provided therein and where there are similar or nearly similar buildings in the locality, having also regard to the rent payable in respect of such buildings.

5. Procedure to be followed and fees payable in appeals.

(1) Every Appeal under section 7 shall be presented in the form of a memorandum signed and verified by the Appellant in the manner provided in sub-rules (2) and (3) of rule 15 of Order VI of Schedule I to the Code of Civil Procedure, 1908 (Act V of 1908), and shall be accompanied by a Certified Copy of the order appealed against.

(2) The fee payable on a memorandum of appeal shall be one rupee and shall be paid in Court-fee stamps.

(3) On the filing of an appeal, the Appellate Officer shall call for the records of the case from the Officer against whose order the appeal has been preferred and shall, after giving the appellant and the respondent an opportunity of being heard, dispose of the appeal.

6. Process fees.

A process-fee of ⁴[rupee one and paise fifty] party on whom a notice is to be served in an appeal under section 7 shall be paid in Court-fee stamps along with the memorandum of appeal.

7. Manner of granting copies of records.

The rules in the Bengal Records Manual shall be followed in the matter of granting copies of records.

1. Sub-rule (2) of rule 3 was amended by Notifications No. 4680-L. Ref. dated 21.3.63; No. 6282-L. Ref. dated 17.4.63; No. 7552-L. Ref. dated 7.5.63 and No. 10036-L. Ref. dated 20.6.63.
2. The words within square brackets were substituted for the words, brackets, figures and letter "under sub-clause (ii) of clause (a) of sub-section (1) of section 4" by Notification No. 12272-L. Ref. dated 16.8.1965 [vide Calcutta Gazette Extraordinary, dated 16.8.65, Part I, No. 616(1)].
3. The words within square brackets have been substituted for the words "Seventy-five naya paise" by Notification No. 2270-L. Ref. date 3.3.1971, published in Calcutta Gazette Extraordinary No. 11, dated 5.3.1971.

[FORM
[Rule 3(1)]

Form of Notice under sub-section (1) of section 3

No.....

To all persons concerned.

Whereas an application has been made before me by *.....
.....under sub-section(1) of section 3 of the
West Bengal Public Land (Eviction of Unauthorised Occupants) Act, 1962
(West Bengal Act XIII of 1962); information has been received by me/that
you have been in unauthorised occupation of the public land described in the
schedule below ;

Now, therefore, in exercise of the power conferred by sub-section (1)
of section 3 of the said Act, I hereby require you to appear before me perso-
nally on or before the**.....to
show cause why an order under clause (a) of sub-section (1) of section 4 of
the said Act shall not be made against you.

Given under my hand and the seal this the.....day of.....
19.....

Seal

Place.....

Collector.

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- 1. The Form I has been amended by Notifications No. 4080-L, Ref. dated 21.3.63 ; No. 6282-L, Ref. dated 17.4.63, No. 10036-L, Ref. dated 20.6.63 and No. 1034-L, Ref dated 22.1.1966.

When the Rules were first published, there were provisions for sending to and service of notice on the person or persons against whom proceedings under this Act are to be started. These provisions were contained in sub-rule (2) of rule 3. Subsequently sub-rule (2) of rule 3 has been amended, so as the provisions for personal service have been deleted providing for affixation on the land concerned and by proclamation by beat of drums.

The Form of notice under Rule 3(1) and section 3(1) has also undergone changes. Previously it was addressed by name to the person or persons concerned. Now it has been amended and is addressed to "All persons concerned".

- * The name, designation and address of the applicant to be inserted here.
- ** The date on or before which the persons are to appear to be inserted here.