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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
JUDICIAL DEPARTMENT
WRITERS' BUILDINGS, KOLKATA - 700 001

NOTIFICATION

No. 242-JL.-dated, Kolkata the 25th October, 2017.— In exercise of the power conferred by sub-section (1), read with sub-section (2), of section 23 of the West Bengal Escheats and Forfeitures Act, 2012 (West Ben. Act XIV of 2012), the Governor is pleased hereby to make the following rules, namely:—

Rules

1. **Short title and commencement.** — (1) These rules may be called the West Bengal Escheats and Forfeitures of Immovable Property Rules, 2017.

(2) They shall come into force on the date of their publication in the *Kolkata Gazette*.

2. **Definitions.** — (1) In these rules, unless the context otherwise requires,—

(a) “Act” means the West Bengal Escheats and Forfeitures Act, 2012 (West Ben. Act XIV of 2012);

(b) “Appellate authority” means the Secretary, Judicial Department, Government of West Bengal;

(c) “Collector” means the Collector of a district and includes—

(i) in respect of a district other than an area within the Kolkata Municipal Corporation, the Additional Collector of such district, and

(ii) in respect of the Kolkata Municipal Corporation area, the Municipal Commissioner or any other authority specified under section 14 of the Kolkata Municipal Corporation Act, 1980, duly authorised by the Municipal Commissioner;

(d) “Competent Authority” means an officer not below the rank of Joint Secretary, Judicial Department, in charge of General Administration of that Department;

(e) “section” means section of the Act.

(2) Words and expressions used and not defined in these rules but defined in the Act, shall have the same meanings as respectively assigned to them in the Act.

3. Inquiry by Competent authority.— (1) When the Competent authority, on receipt of any information or on his own motion, is satisfied that the provisions of this Act are applicable to any property lying within the State, such Competent authority shall cause an inquiry in terms of section 4 so as to ascertain the fact whether the operation of section 3, read with clause (g) of section 2, exists.

(2) For the purpose of the inquiry, the Competent authority shall publish a notice informing the public regarding the cause of inquiry, the time and place of hearing and the particulars of the property.

(3) The notice may be published in the *Kolkata Gazette* and in three newspapers in English, Bengali and Hindi or Urdu, as the case may be. One copy of the *Gazette* shall be affixed on a conspicuous part of the property and copies of the *Gazette* shall be served on the local police station and the office of the Collector of the district for information of the public.

(4) The Competent authority shall hold the inquiry after seven days of the publication of the notice under sub-rule (3).

(5) The Competent authority may summon and examine any person and may compel the production of any document by any person.

(6) The Competent authority shall, after recording examination of persons and documents and on satisfaction of the fact that the operation of section 3, read with clause (g) of section 2, exists, pass an order in writing.

(7) The gist of every order passed on such inquiry shall be published in the *Kolkata Gazette* and in three newspapers, one in English, one in Bengali and one in Hindi or Urdu, as the case may be, preferably within a week from the passing of the order under sub-rules (6). One copy of the *Gazette* shall be affixed on a conspicuous part of the property and copies of the *Gazette* may be served on the local police station and to the office of the Collector, for information of the public.

4. Mode of taking over possession and management of escheated immovable property.— (1) The Competent authority may, after expiry of 30 days from the date of publication of the gist of the order as mentioned in sub-rule (7) of rule 3, direct the Collector of the district to take over possession of the escheated immovable property.

(2) When the escheated immovable property is vacant or abandoned, the Collector shall affix a notice on a conspicuous part of the property and on the notice board of the office of the Collector.

(3) The Collector shall publish a general notice in accordance with the provisions of section 6 and shall take possession and assume management of the escheated immovable property in accordance with the provisions of sub-sections (1), (2) and (3) of section 7.

5. Case to case basis formulation of planning in retention or assignment or disposal of escheated immovable property.— When possession of the escheated immovable property is taken by the Collector, the State Government may take decision for formulation of planning in respect of such retention or assignment or disposal of escheated immovable property as it may deem fit and proper in case to case basis.

By order of the Governor,

BIBEK CHAUDHURI

Secretary to the Government of West Bengal.