

GOVERNMENT OF WEST BENGAL  
LEGISLATIVE DEPARTMENT

**West Bengal Act LVI of 1980**

**THE WEST BENGAL RESTORATION OF  
ALIENATED LAND (AMENDMENT) ACT, 1980.**

[Passed by the West Bengal Legislature.]

[Assent of the President was first published in the *Calcutta Gazette, Extraordinary*, of the 20th August, 1981.]

[20th August, 1981.]

*An Act to amend the West Bengal Restoration of Alienated Land Act, 1973.*

West Ben.  
Act XXIII  
of 1973.

WHEREAS it is expedient to amend the West Bengal Restoration of Alienated Land Act, 1973, for the purposes and in the manner hereinafter appearing;

It is hereby enacted in the Thirty-first Year of the Republic of India, by the Legislature of West Bengal, as follows:—

1. This Act may be called the West Bengal Restoration of Alienated Land (Amendment) Act, 1980.

Short title.

2. In section 2 of the West Bengal Restoration of Alienated Land Act, 1973 (hereinafter referred to as the principal Act),—

Amendment  
of section 2  
of West Ben.  
Act XXIII  
of 1973.

(a) for clause (1), the following clause shall be substituted:—

‘(1) “Collector” means the Collector of a district or any other officer (superior in rank to the Special Officer against whose order an appeal is preferred) appointed by the State Government to discharge the functions of a Collector under this Act, and includes the Additional District Magistrate, the Sub-Divisional Officer and the Additional Sub-Divisional Officer within their respective jurisdiction;’, and

(b) for clause (4), the following clause shall be substituted:—

‘(4) “Special Officer” means a Block Development Officer and includes any other officer (not superior in rank to a Block Development Officer) appointed by the Commissioner of a Division to discharge within the Division the functions of a Special Officer under this Act.’.

*The West Bengal Restoration of Alienated Land  
(Amendment) Act, 1980.*

[West Ben. Act

(Section 3.)

Amend-  
ment of  
section 4.

3. In section 4 of the principal Act,—

(a) in sub-section (1),—

- (i) for the words “or within four years from the date of such commencement”, the words “or between the date of such commencement and the date of the commencement of the West Bengal Restoration of Alienated Land (Amendment) Act, 1980” shall be substituted,
- (ii) after the words “in the aggregate”, the words “on the date of transfer” shall be inserted,
- (iii) the words “in distress or” shall be omitted,
- (iv) for the words “within five years from the date of such transfer or within four years from the date of commencement of this Act, whichever period expires later,”, the words “within ten years from the date of commencement of this Act” shall be substituted;

(b) in sub-section (4),—

- (i) after the existing proviso and before the *Explanation*, the following further provisos shall be inserted:—

“Provided further that all the heirs of a deceased transferor or a deceased transferee shall be made parties in every proceeding under this Act:

Provided also that if the transferred land is partitioned by the transferee or his heirs, the Special Officer shall make an order in writing restoring the whole or any part of the land, as he may deem fit, to the transferor or his heirs, and where there are several heirs of a deceased transferor and some of them are not willing for restoration of the transferred land the Special Officer shall make such order restoring the whole of such land in favour of the heirs who are willing for such restoration.”;

- (ii) in the *Explanation*,—

- (a) for clause (i), the following clause shall be substituted:—

‘(i) the word “transferor” referred to in this Act means the first transferor or, where the first transferor is unwilling to get the transferred land restored, any subsequent transferor between the expiry of the year 1967 and the

*The West Bengal Restoration of Alienated Land  
(Amendment) Act, 1980.*

LVI of 1980.]

(Section 3.)

date of commencement of the West Bengal Restoration of Alienated Land (Amendment) Act, 1980 and includes the heirs of such first or subsequent transferror;”;

- (b) in clause (ii), for the words “such subsequent transferee; and”, the words “such subsequent transferee and shall include the heirs of such transferee; and” shall be substituted;
- (c) after sub-section (4), the following sub-sections shall be inserted:—
- “(4a) An application made under sub-section (1) shall be filed before the Block Development Officer having jurisdiction over the area in which the transferred land is situated, who may either refer the same to any other Special Officer within the Block or dispose of it himself.
- (4b) The Block Development Officer may, on his own motion or on an application made by a transferor or a transferee, for reasons to be recorded in writing, transfer any application made under sub-section (1) from one Special Officer other than himself to another Special Officer or withdraw such application for disposal by himself.”;
- (d) to sub-section (5), the following proviso shall be added:—
- “Provided that if an application made under sub-section (1) has been rejected by the Special Officer only in consideration of the written recital of the purpose of transfer recorded in the sale deed over-looking the evidence adduced by the transferor, the transferor may, within a period of one year from the date of commencement of the West Bengal Restoration of Alienated Land (Amendment) Act, 1980, apply afresh and thereupon the Special Officer shall proceed with the hearing of such application, consider such evidence as may be adduced by the transferor and the transferee and make such order thereon as he may deem fit.”;
- (e) after sub-section (8), the following sub-sections shall be inserted:—
- “(9) Notwithstanding anything to the contrary contained in any other law or in any agreement or in any judgment, decree or order of any Court, Tribunal or any other authority, there shall not be any amicable settlement or compromise in respect of any proceeding under this

*The West Bengal Restoration of Alienated Land  
(Amendment) Act, 1980.*

[West Ben. Act

(Section 4.)

Act other than a settlement or compromise resulting in restoration of transferred land to a transferor and in all such cases the provisions of this Act and the rules made thereunder shall apply.

- (10) If the transferee including the members of his family holds on the date of transfer not more than one acre of land including the transferred land and such land becomes the principal sources of income of the transferee including the members of his family, the Special Officer shall not make any order under sub-section (4) unless the transferor including the members of his family holds not more than one acre of land on the date of the application made under sub-section (1).”.

Insertion  
of new  
sections 4A,  
4B and 4C.

4. After section 4 of the principal Act, the following sections shall be inserted:—

“Appeals. 4A. Any transferor or transferee may, within thirty days from the date of an order made under sub-section (4) of section 4, prefer an appeal in the prescribed manner to the Collector and the decision of the Collector thereon shall be final.

Representation  
of transferor and  
transferee. 4B. No transferor or transferee shall be entitled to be represented by a legal practitioner in any proceedings under this Act.

Filing and  
transfer of  
Appeal. 4C. An appeal preferred under section 4A shall be filed before the Subdivisional Officer or the Additional Subdivisional Officer, as the case may be, having jurisdiction over the area in which the transferred land is situated, who may either refer the same to any other Collector under his control for disposal or dispose of it himself and may, on his own motion or on an application made by an appellant or a respondent and for reasons to be recorded in writing, transfer such appeal from one Collector other than himself to another Collector under his control or withdraw such appeal for disposal by himself:

Provided that the Collector of a district or the Additional District Magistrate may, on his own motion or on an application made by an appellant or a respondent, call for the records in respect of any appeal pending before any Collector under his control and, for reasons to be recorded in writing, transfer such appeal from one Collector to another Collector or withdraw such appeal for disposal by himself.”.

*The West Bengal Restoration of Alienated Land  
(Amendment) Act, 1980.*

LVI of 1980.]

(Sections 5-7.)

5. In section 5 of the principal Act, for sub-section (3), the following sub-section shall be substituted:—

Amend-  
ment of  
section 5.

“(3) If on or before the date on which an order made under sub-section (4) of section 4 takes effect under sub-section (1) of this section, the person in possession of the land as a result of the transfer referred to in sub-section (1) of section 4 has not delivered possession of such land to the transferor, the Special Officer may of his own motion, and shall, on the application of the transferor, execute the order in such manner as he considers expedient, and may,—

- (a) if he is an Executive Magistrate, enforce the delivery of possession of such land to the transferor with the help of the police, or
- (b) if he is not an Executive Magistrate, apply to an Executive Magistrate having jurisdiction and thereupon such Magistrate shall enforce the delivery of possession of such land to the transferor with the help of the police.”

6. In section 7 of the principal Act, the proviso shall be omitted.

Amend-  
ment of  
section 7.

7. After section 7 of the principal Act, the following sections shall be inserted:—

Insertion  
of new  
sections 7A  
and 7B.

“Principles of  
*res judicate*  
not to apply.

7A. Notwithstanding anything to the contrary contained in any other law or in any judgment, decree or order of any Court, Tribunal or any other authority, the provisions of section 11 of the Code of Civil Procedure, 1908, shall not apply to any proceeding or appeal under this Act

5 of 1908.

Limitation.

7B. The provisions of section 5 of the Limitation Act, 1963 shall apply *mutatis mutandis* to all proceedings and appeals under this Act.”

36 of 1963.