

West Bengal Restoration of Alienated Land Rules, 1973

Land Utilisation and Reforms and Land Revenue Department

Notification No. 9060-L-Ref., dated 28.5.1973.—In exercise of the power conferred by section 9 of the West Bengal Restoration of Alienated Land Act, 1973 (West Bengal Act XXIII of 1973), the Governor is pleased hereby to make the following rules, namely:—

1. Short title.—These rules may be called the West Bengal Restoration of Alienated Land Rules, 1973.

2. Definition.—In these rules the context otherwise requires,—

(i) “The Act” means the West Bengal Restoration of Alienated Land Act, 1973;

(ii) “Section” means a Section of the Act.

3. Manner of making application under sub-section (1) of section 4.—(1) Each transfer of land by sale shall form the matter of one application under sub-section (1) of section 4 and every such application shall be in Form A, appended to these rules or in a form substantially similar thereto.

(2) A fee of rupee one and fifty paise shall be paid in court-fee stamps along with the application, which shall be presented by the applicant or his agent duly authorised by him in writing, to the Special Officer appointed under clause (4) of section 2 of the Act having jurisdiction in the area in which the land is situated.

(3) As soon as the application is received, the Special Officer shall have the particulars of the application recorded in a Register in Form B and start a case.

4. Manner of service of notice under sub-section (2) of section 4.—A notice on transferee shall be served—

(a) by delivering or tendering a copy thereof, endorsed by the Special Officer, the person concerned, or

(b) if such person is not readily traceable or, refuses to accept the copy of the notice so delivered or tendered, by affixing a copy thereof on the outer door or some other conspicuous part of the house in which the person ordinarily resides or carries on business or personally works for gain, or

(c) by sending it to the person concerned by registered post with acknowledgment due at his last known address.

5. Hearing of cases.—As far as possible, the Special Officer shall hear

the parties and examine the witnesses at the office of the local Junior Land Reforms Officer or some other convenient place in the locality where the land is situated, by giving previous notice to the parties concerned.

6. Manner of determining the amount of compensation for improvement under sub-section (4) of section 4.—For the purpose of determining the amount of compensation for improvement under sub-section (4) of section 4, the Special Officer shall have regard to—

- (a) the amount by which the value or the produce of the land, or the value of that produce, is increased by the improvement effected to such land,
- (b) the condition of the improvement and the probable duration of its effect,
- (c) the labour and capital required for making the improvements.

7. Manner of determining the amount of the net income under sub-section (4) of section 4.—The amount of the net income from the land of the person in possession of such land shall be determined by the Special Officer under sub-section (4) of section 4 in the following manner—

- (a) the gross receipts from the land shall first be calculated by multiplying the amount of each kind of the normal produce of the land determined by the Special Officer after such enquiry, as he may think fit to make, by the average rate of price, after taking into consideration the publications of the rates of prices authorised by the Government of each such kind of produce during the period of such possession immediately before the date of the order of restoration;
- (b) 25 per cent of the gross receipts from the land so calculated shall be the net receipts from the land;
- (c) the net income shall then be computed by deducting from the net receipts, any sum payable as land revenue, cesses, rates or taxes on account of the land.

8. Manner of filing appeal under section 7.—(1) An appeal under section 7 shall be filed in the Form A of a Memorandum and shall be signed and verified by the appellant and shall be accompanied by an authenticated copy of the order appealed against.

(2) The Court-fee payable on a Memorandum of Appeal shall be such as provided in Article 11 of Schedule II to the West Bengal Court-fees Act, 1970 (X of 1970), and shall be collected in the manner as laid down in that Act.

9. Manner of granting copies of records.—The rules in the Bengal Records Manual shall apply *mutatis mutandis* in the matter of granting copies of records.

10. Transfer of cases.—The Collector of a District or the Additional District Magistrate may, for reasons to be recorded in writing, transfer any case from one Special Officer to another for disposal.

FORM A

[See sub-rule (1) of rule 3]

Form of application for restoration of alienated land

- (i) Name and address of the applicant or applicants.
- (ii) Particulars of land transferred by sale, the restoration of which is prayed for—
 - (a) Name of the mouza, police station and district,
 - (b) Khatian number and plot number,
 - (c) Area of the land.
- (iii) Amount of consideration money for which the land was sold.
- (iv) Dates of sale and receipt of consideration money by the applicant or applicants.
- (v) Total area of land held by the applicant or applicants on the date of the transfer of the land in question by sale.
- (vi) Reasons for sale.
- (vii) Whether there was any agreement, written or oral, for reconveyance of the land transferred to the transferor and if so, particulars thereof.
- (viii) Name and address of the transferee and of the person in possession of the land, if any, other than the transferee.

I/We declare that to the best of my/our knowledge and belief, the information given by me/us in the application is correct and complete.

Date.....

Signature of the applicant/applicants

Received application under sub-section (1) of section 4 of the West Bengal Restoration of Alienated Land Act, 1973, from Shri.....

*Signature of the Receiving
Officer with date*

FORM B

[See sub-rule (3) of rule 3]

Register of cases

Serial No.	Name and address of the applicant or applicants	Date of receipt of the application	Date of disposal of the application	Synopsis of the final order passed with signature of Special Officer
1	2	3	4	5