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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

Land and Land Reforms Department

Land Reforms Branch

Writers' Buildings, Kolkata - 700 001

ORDER

No. 644-LR/1A-01/2009

Kolkata, the 6th February, 2009.

Whereas it has been observed by the State Government that there are a considerable number of mutation cases lying pending for disposal due to various complications involved in disposing of such cases:

2. And Whereas the State Government have considered it necessary to simplify the procedure followed for disposal of mutation cases so that such cases are disposed of expeditiously:

3. Now, the Governor, after careful consideration of the matter, has been pleased to direct that the following principle and procedure should be followed for disposal of mutation cases:-

- (1) Application for mutation shall be received in the office of the Block Land & Land Reforms Officer by one or two officials who will be entrusted to do the job by the Block Land & Land Reforms Officer depending upon the flow of such applications in that office from time to time. No such application shall be received unless the same is submitted in the proforma as prescribed below which may be either typed or hand-written with requisite application fee and process fee along with the following documents:
 - (a) Photocopy of registered deed of sale or gift or exchange or hebanama or such other transfer document by virtue of which the plot of land is transferred to the applicant concerned.
 - (b) Photocopy of Legal Heir Certificate if the plot of land is transferred by inheritance to the applicant concerned.
 - (c) Photocopies of chain of successive registered deeds of sale or gift or exchange or hebanama or such other transfer documents if the plot of land is transferred to the applicant concerned from the recorded raiyat after such intermediate transfers.
 - (d) Photocopy of rent receipt showing the payment of up-to-date revenue and cesses of the plot of land, in question.
 - (e) Declaration in the Form prescribed below which may be either typed or hand-written with court fee stamp of Rs. 10/- affixed on it.

- (f) Two envelopes each with postage stamp worth Rs. 5/- affixed on it.

The receiving official shall not refuse to receive the mutation application for failure of the applicant concerned to submit the copies of chain deeds in respect of the cases where the plot of land is not transferred directly to the applicant concerned from the recorded raiyat. In case of inheritance, Legal Heir Certificate from Pradhan of the concerned Gram Panchayat or Councillor of the concerned Municipality or Municipal Corporation will also be accepted. Mutation application will be disposed of by the Revenue Officer attached to the office of the Block Land & Land Reforms Officer who is appointed as 'prescribed authority' under section 50 of the West Bengal Land Reforms Act, 1955.

- (2) As soon as application is received complete in all respects as stated hereinabove it should be properly entered in Register-IX in the office of the Block Land & Land Reforms Officer and then notices shall be issued utilizing the envelopes submitted with the application to the applicant as well as the transferee concerned from whom the applicant concerned has got the plot of land transferred in his favour for giving them hearing specifying the date and time of such hearing. If, however, it is found that there are other interested parties in respect of the plot of land in question, notices shall also be issued to all such interested parties for giving them hearing specifying the date and time of such hearing. If the plot of land is found to be situated within the urban agglomeration as defined under the Urban Land (Ceiling & Regulation) Act, 1976, a letter should be issued immediately to the Competent Authority appointed under the provisions of the said Act requesting them for a report within 30 days whether there is any objection for mutation as so applied for or not and in case no such report is received within 30 days it shall be presumed that there is no objection of the Competent Authority for such mutation. Necessary verification of the records should also be made to ascertain whether the plot of land is vested or it is a patta land or it is already acquired under the provisions of any Land Acquisition Act or it comes under the purview of clause (g) of sub-section (1) read with sub-section (3) of section 6 of the West Bengal Estates Acquisition Act, 1953.
- (3) The cases where the plot of land is found to have transferred directly from the recorded raiyat to the applicant concerned, it may not be necessary to conduct field enquiry to determine the possession of the plot of land, in question. But such field enquiry should necessarily be conducted in respect of the cases where the applicant concerned fails to submit the copies of chain deeds. However, such field enquiry may be conducted in respect of the cases where the applicant concerned submits the copies of all the chain deeds only if the Revenue Officer considers it necessary to do the same in a particular case. Necessary notice should be given to the applicant concerned as well as to the interested parties, if any, specifying the date and time of such enquiry.
- (4) Every application for mutation shall be disposed of by written order either rejecting such application or allowing mutation within a period of not exceeding 60 days from the date of receiving such application. The cases where field enquiry is required to be conducted the application for mutation in such cases shall be disposed of by written order either rejecting such application or allowing mutation within a period of not exceeding 120 days from the date of receiving such application. When a mutation application has been rejected the applicant concerned should invariably be informed stating in brief the ground for such rejection. In case disposal of mutation application can not be made within the time limit as specified above, reasons thereof should be recorded in the relevant order sheet of the case record and onus for not disposing of such application within the specified time limit will be on the official concerned involved in the process. No case shall, however, be decided finally without giving hearing to the applicant concerned and the interested parties, if any. In case of failure of the concerned applicant and the interested parties to avail the opportunity of hearing for the third time which shall be the last and final opportunity for them, then the case will be decided by the Revenue Officer ex-parte.
- (5) Whenever an order is passed by the Revenue Officer allowing mutation, the record-of-rights should be corrected on the very day to reflect the mutation and a copy of the computerized record-of-rights signed by the Revenue Officer as 'prescribed authority' shall be issued in place of certificate of mutation in respect of the cases where the concerned mouza has been finally published under the West Bengal Land Reforms Act, 1955. In case mutation is allowed in respect of the plot of land in mouza where revision of record-of-rights under section 51 of the West Bengal Land Reforms Act, 1955 has been taken up and it is at the stage of Khanapuri-Bujharat (K.B.) or Attestation, then a certificate of mutation shall be issued in Form A prescribed below as soon as order is passed by the Revenue Officer allowing mutation and certified copy of the record-of-rights shall be issued only when Draft Publication of the mouza under the said Act is to be done. If on receipt of the application for mutation, it is found on verification of the records-of-rights that the name of the applicant concerned has already been incorporated in K.B. or

Attestation stage, the applicant concerned should be informed of the same as in Form B prescribed below within seven days from the date of receipt of such application. In case mutation is allowed in respect of the plot of land in a mouza where K.B. has not yet been taken up, the corrections consequent on mutation order should be made in the copy of the record-of-rights modified under the West Bengal Estates Acquisition Act, 1953 and a certificate of mutation shall be issued in Form A prescribed below. However, in case mutation is allowed in respect of the plot of land in a mouza where Draft Publication has been made the record-of-rights so made should be corrected on the very day to reflect the mutation and a copy of the computerized record-of-rights signed by the Revenue Officer as 'prescribed authority' shall be issued in place of certificate of mutation.

PROFORMA APPLICATION FOR MUTATION

1. Particulars of the applicant

- (a) Name :
 (b) Father's/Husband's Name :
 (c) Postal Address :
 (d) Phone/Mobile No. (if any) :
 (e) Existing khatian No. of the Applicant in the relevant mouza, if any :

2. Details of Transfer :-

- (a) Mode of Transfer- (Purchase/inheritance/Exchange/hebanama etc.) :
 (b) Registered Deed No. and Date :
 (c) Whether transferred directly from the recorded raiyat : Yes/No.

If not, state whether copies of all chain deeds are available with him.

3. Particulars of transferer.

- (a) Name :
 (b) Father's/Husband's Name :
 (c) Postal Address :

4. Land Schedule for which mutation sought for:

Police Station	Mouza	J.L. No.	Khatian No.	Plot No.	Area

.....
 Signature of the Applicant with seal, if any

5. List of enclosures :-

1. Copy/copies of registered deed of sale or gift or exchange etc.
2. Copy/Copies of legal heir certificate/hebanama etc.
3. Copy/Copies of chain deeds.
4. Copy of up to date rent receipt.
5. Declaration in the prescribed Form with court fee stamp of Rs. 10/-
6. Proof of payments of requisite process fee.
7. Two envelopes each with postage stamp of Rs. 5/-.

DECLARATION FORM

I, Sri/Smt.....son of /daughter of
Sri/Smt.....residing
at under Police
Stationin the district of do hereby
affirm and declare as follows:

1. That I am the absolute owner of the plot of the land described in the Schedule below by way of transfer vide Registered Deed No. dated/inheritance being the legal heir of from whom it is so inherited on due to
2. That I have been possessing the said plot of land sinceuninterruptedly and it is free from all encumbrances.
3. That the said plot of land is neither vested nor acquired by the Government and there is no proceeding initiated in respect of the said plot of land for its vesting or acquisition till date.
4. That the said plot of land is not vested / does not fall under the purview of the Urban Land (Ceiling & Regulation) Act, 1976.
5. That the said plot of land is not involved in any Court Case.
6. That I shall apply for long term settlement of the said plot of land on such terms and condition and on payment of such salami and rent as the State Government may fix in this regard, if the said plot of land is found to have already been vested in the State at any point of time. In case of failure to do so, I shall forthwith make over vacant and peaceable possession of the said plot of land to the State Government.
7. That I shall make over possession of the said plot of land to the State Government without any claim, if the said plot of land is found to have already been acquired by the State Government at any point of time.
8. That I shall pay regularly the land revenue in respect of the said plot of land as may be fixed by the State Government in accordance with the provision of the West Bengal Land Reforms Act, 1955 as amended from time to time.
9. That I shall abide by all the terms and conditions as may be fixed by the State Government from time to time for holding the said plot of land as per provision of any law for the time being in force.
10. That the mutation granted shall be liable to be cancelled if any information provided with the mutation application is found to be not true.
11. That the statements made hereinabove are true to the best of my information, knowledge and belief and nothing material has been concealed therein.

DESCRIPTION OF THE PLOT OF LAND

District	Police Station	Mouza with J.L. No.	Khatian No.	Plot No.	Total area	Area owned

.....
Full Signature of the Declarant

FORM A

To

(Name and address of the applicant)

Reference

He/She is informed that his/her name has been mutated in respect of the land described in the schedule below.

The Schedule

1. District.....
2. Police Station.....
3. Mouza.....
4. J.L. No.
5. Khatian No.
6. Plot No.
7. Area.....
8. Classification.....

Prescribed Authority u/s 50 of the
West Bengal Land Reforms Act, 1955.

FORM B

To

(Name and address of the applicant)

Reference

He/She is informed that his/her name has been recorded in respect of the land described in the schedule below.

The Schedule

1. District.....
2. Police Station.....
3. Mouza.....
4. J.L. No.
5. Khatian No.
6. Plot No.
7. Area.....
8. Classification.....

Prescribed Authority u/s 50 of the
West Bengal Land Reforms Act, 1955.

4. This issues in cancellation of all previous orders/circulars issued in this regard.

By Order of the Governor.

BALBIR RAM,

Principal Secretary to the Government of West Bengal.