

# **West Bengal Thika Tenancy (Acquisition and Regulation) Rules, 2004**

WEST BENGAL

India

## **West Bengal Thika Tenancy (Acquisition and Regulation) Rules, 2004**

### **Rule**

### **WEST-BENGAL-THIKA-TENANCY-ACQUISITION-AND-REGULATION-F of 2004**

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### **021.**

Notification No. 3264-L. Ref. dated 2nd November, 2004. In exercise of the power conferred by section 19 of the West Bengal Thika Tenancy (Acquisition and Regulation) Act, 2001 (West Bengal Act 32 of 2001), the Governor is pleased hereby to make the following rules :Rules

### **1. Short title.**

These rules may be called the West Bengal Thika Tenancy (Acquisition and Regulation) Rules, 2004.

### **2. Definitions.**

In these rules, unless the context otherwise requires,-(a)"the Act" means the West Bengal Thika Tenancy (Acquisition and Regulation) Act, 2001 (West Bengal Act 32 of 2001);(b)"Form" means a Form appended to these rules;(c)"section" means a section of the Act.

### **3. Terms and conditions of occupation of land directly under the State under sub-section (1) of section 5.**

(1) Every thika tenant occupying land under a landlord on the 18th day of January, 1982 or on any subsequent date of creation of tenancies of thika tenant, shall, after that date, occupy such land directly under the State on the following terms and conditions: (a) every thika tenant shall furnish to the Controller a return in Form A, separately for each holding or tenancy, showing the particulars of occupation of such land in total, within two hundred forty days from the date of commencement of the Act. The Controller may, on a written application from such thika tenant, extend the date of furnishing such return by a period not exceeding sixty days : Provided that the Controller may, on reasonable grounds, accept any return which is filed by a thika tenant after the expiry of the aforesaid time limit : Provided further that the thika tenants who already have submitted return in Form A under the Kolkata Thika Tenancy (Acquisition and Regulation) Rules, 1982, shall not be required to submit any further return in that respect and such returns shall be deemed to have been submitted validly under these rules ; (b) every thika tenant shall pay, as required under sub-sections (2) and (6) of section 5 of the Act, to the Controller an annual revenue or rent in the manner and at the rate mentioned in rule 19. (2) Every thika tenant, in addition to the revenue, shall pay to the Controller all cesses, taxes of municipality or other local bodies, or other impositions or service charges which are, or may hereafter be, imposed on the land with or without structures including easements, if any, or other existing or intended creation on such land being used by thika tenant.

### **4. Manner of application for obtaining prior permission and disposal of such application under sub-section (4) of section 5.**

(1) An application, stating the circumstances and grounds for transfer of interests in the land inter se amongst the heirs existing co-shares-interest and spouses or to the prospective heirs, may be made to the Controller for obtaining his prior permission and the procedure laid down in rule 5, shall apply, mutatis mutandis, to the manner of making and disposal of such application : Provided that such application shall be made at least three months prior to the date of transfer to interests in the land, or within such further period as may be extended by the Controller subject to payment of rupees one hundred as late fee to be deposited in T.R. Form, for every month of delay or part thereof : Provided further that if no such prior permission has been or was obtained, in respect of any transfer of interest in land made on or after the 18th January, 1982, a penalty of a sum not exceeding the value of 1/4% of the market value of such land shall be deposited in T.R. Form, by the thika tenant to regularise such transfer as provided in sub-section (4) of section 5 of the Act. (2) When the State Government needs land comprised in any thika tenancy for any public purpose, the Controller or any other officer authorised by him, may (a) require the thika tenant to surrender his tenancy in writing to the Controller after giving the thika tenant at least 30 days' notice; (b) pass an order in writing for resumption of land comprised in such thika tenancy, after giving the thika tenant and the Bharatia, if any, an opportunity of being heard; (c) upon such resumption under clause (b), if the thika tenant or any Bharatia continues to occupy such land, evict the occupant and the Controller or any other officer authorised by him may, after giving 30 days' notice, enter the land and the buildings or other erections, thereon, if any, and take vacant

possession thereof.(3)A thika tenant, whose interest in land comprised in any thika tenancy is resumed by the State, may claim compensation to be determined and calculated in the following manner :(a)the Controller of the area concerned shall, with the assistance of any technical officer under him, if any, first determine the market value of the land, with or without structures. If there is no such officer under him, the Land Acquisition Collector having jurisdiction over such area shall, upon a requisition in writing from the Controller in this behalf, lend the services of a technical officer under him to the Controller for determination of the market value of such land. While determining such market value, all relevant documents and circumstances shall be taken into consideration;(b)the amount shall be calculated at a rate not exceeding ten times the annual rent paid by Bharatias and shall be reduced by (apart from rents, taxes and other charges on account of management and collection at a rate of twenty per cent of the gross annual rent earned or expected) rent, taxes and revenues or other dues payable to the Central Government or the State Government;(c)the amount for the purpose of the proviso to sub-section (4) of section 6 shall be the market value determined under clause (a) or the amount calculated under clause (b), whichever is less.(4)Where any structure comprised in any thika tenancy is occupied by the tenant himself, the amount of compensation payable shall be 10 times the expected annual rent if such structure had been let out, to be determined having regard to the situation, locality and condition of the premises and the amenities provided therein and where there are similar premises in the locality, having regard also to the rent payable in respect of such premises and after giving the tenant a reasonable opportunity of being heard and shall be such as will appear to the Controller to be reasonable.

## **5. Manner and disposal of application to obtain no objection certificate for making any pucca construction, etc., under sub-section (5) of section 5.**

(1) Every application for obtaining no objection certificate from the Controller for making. any pucca construction or changing the nature, character and dimension of an existing structure on the land, shall be in Form D in quadruplicate along with an application fee of Rs. 200/- in respect of such land measuring no more than 4 kathas in area and an additional fee of Rs. 100/- for one katha or fraction thereof in excess of 4 kathas. The application fees shall be deposited in T.R. Challan.(2)(a)The application shall accompany two sets of site plan, in a scale not less than 1 : 200, showing the existing structure and boundaries and two sets of plan showing the floor plan, section, elevation etc., in accordance with the Kolkata Municipal Corporation Building Rules, and must be signed by the L.B.S. or the L.B.A.Existing structure in the site plan shall be shown and delineated in yellow colour, proposed structure in red colour, boundaries in the black dotted line, roads in green colour and service lines in red dotted lines.(b)All the particulars as required under the Kolkata Municipal Corporation Building Rules shall be furnished in such plans :Provided that a copy of the finally sanctioned plan by the Kolkata Municipal Corporation, which is duly authenticated by the L.B.S. or the L.B.A. and after it has been sanctioned, shall be submitted forthwith to the Controller :Provided further that a copy of the completion certificate certifying the completion of the pucca construction after it has been constructed shall be submitted forthwith to the Controller.(c)The procedure for obtaining no objection certificate before making pucca construction shall, mutatis mutandis be followed in case of changing the nature, character and dimension of any existing structure on land comprised in thika tenancy.(3)The same procedure shall apply and be followed in case of thika land situated within the jurisdiction of other Corporation, Municipality or any other

local authority.

## **6. Manner of payment of fees and rates in case where the pucca construction has been made without no objection certificate and procedure for issue of provisional and final certificate under subsection (3) of section 6.**

(1) An application for issue of provisional certificate under sub-section (3) of section 6, shall be in accordance with the procedure prescribed by sub-rule (2) of rule 5 and shall be accompanied by an application fee equivalent to ten times the fees mentioned in sub-rule (1) of rule 5 and is to be deposited in T.R. Challan along with such application, in addition to the fees prescribed in sub-rule (1) of rule 5. (2) A construction plan duly sanctioned by the local authority shall be produced within three months from the date of issue of such provisional certificate failing which no final certificate shall be issued by the Controller : Provided that the Controller may, for reasons to be recorded in writing and upon being satisfied that there is sufficient reason for delay, extend the time for production of such sanctioned plan by not more than one month.

## **7. Procedure in case of contravention of the provision of the Act or the rules.**

(1) The Controller or any officer authorised in this behalf by the State Government or the Controller may, after giving 24 hours' notice, enter upon the land or any part thereof to inspect or enquire into the condition of the land, or the structures or other erections thereon, if any, or inspect and enquire about any structure, building or erection thereon in the course of its construction 'or making and for all other reasonable purposes. (2) If there is any breach of, or non-compliance with, any of the terms and conditions as aforesaid or the provision of the Act or these rules, the thika tenant shall, in addition to any other penalty or disqualification to which he may be subject under the Act or the rules, forfeit his right of occupation of the land, with effect from the date on which an order in this behalf is made in writing by the Controller after giving him a reasonable opportunity of being heard. (3) Upon such forfeiture, the occupant shall be treated as a trespasser and the Controller or any officer authorised by him may, after giving 3 days' notice, enter the land, building or other erections therein, if any, and take vacant possession thereof.

## **8. Manner of application by a Bharatia for granting licence under sub-section (5) of section 6.**

(1) A Bharatia who stays at the structure forfeited under sub-section (2) of section 6, may submit an application on plain paper to the Controller for granting licence for his occupancy. (2) The Controller, on receiving such application and after an enquiry in respect of the Bharatia's claim on the area of the structure he occupies, condition of the room and verification of the present rate, may, after giving an opportunity of being heard to all concerned, issue licence in Form E on the following terms and conditions : (a) licence fees at the rate of Rs. 1.00 (one rupee) per square feet per month or the prevailing rate, whichever is higher, shall be chargeable in case of kuccha structure for domestic purpose; (b) licence fees at the rate of Rs. 2/- per square feet per month or the prevailing rate, whichever is higher, shall be chargeable in case of pucca structure for domestic purpose; (c) in case of

use of such structure for business purposes, the licence fees shall be Rs. 4/- and Rs. 2/- respectively in pucca or kuccha structure, as the case may be; (d) initially the licence shall be issued for one year and may be renewed every year on due satisfaction of the Controller and upon realisation of licence fees in arrears, if any, together with 6.25% per annum interest thereon. (3) The licence fees shall be deposited in T.R. Challan and the Bharatia shall also pay for the occupation and use of such structure apart from the service and other charges, taxes of the Corporation or Municipality or other local body, whose services are being availed of by him. (4) The licence granted to a Bharatia may be renewed upon an application made by him, at least one month before the expiry of the validity of the licence, to the Controller, on plain paper together with the proof of up-to-date deposit of licence fees : Provided that an application for renewal of such licence may be entertained after the prescribed period, if the applicant satisfies the Controller that he had sufficient cause for not making the application within such period.

## **9. Submission of return for the purpose of payment under subsection (1) of section 7.**

For the purpose of payment of amount under sub-section (1) of section 7, every landlord shall submit to the Controller a return in Form C within two hundred and forty days from the date of commencement of the Act. The Controller may, on a written application from the landlord, extend the date for furnishing the return by a further period not exceeding sixty days : Provided that the Controller may, on reasonable grounds, accept any return which may be filed by the landlord after expiry of the prescribed time limit : Provided further that the landlords who have already submitted the return in Form C under the Kolkata Thika and other Tenancies and Lands (Acquisition and Regulation) Act, 1981 (West Bengal Act No. 37 of 1981), shall not be required to submit any further return and such return shall be deemed to have been validly submitted under these rules.

## **10. Payment of annuity under sub-section (2) of section 7.**

(1) The annuity payable under sub-section (2) of section 7, shall not exceed the annual net income derived from the holding. (2) The annual net income derived from the holding shall, subject to the provisions of sub-section (4) of section 5, be determined in the following manner : (a) the gross income derived from the holding shall first be determined; (b) upon determination of the gross income, apart from the deductions from the gross income under sub-section (2) of section 7 of charges on account of management and collection at the rate of twenty per cent of the gross income, it shall be reduced by rent, taxes' and revenue or other dues, if any, payable to the State Government or the Central Government; (c) the balance, if any, after deduction as aforesaid, shall be the annual net income for the purpose of sub-section (2) of section 7.

## **11. Payment of amount and determination of fair rent under subsection (6) of section 7.**

(1) The amount payable under sub-section (6) of section 7, for resumption under sub-section (4) of section 6 of any structure comprised in any thika tenancy, shall be determined and calculated in the

following manner : (a) the Controller of the area concerned shall, with the assistance of any technical officer under him, if any, first determine the market value of the structure. If there is no such officer under him, the Land Acquisition Collector having jurisdiction over such area shall, upon a requisition in writing from the Controller in this behalf, lend the services of a technical officer under him to the Controller for determination of the market value of the structure. While determining the market value, all relevant documents and circumstances shall be taken into consideration after giving due opportunity to all concerned; (b) thereafter, the amount shall be calculated at a rate not exceeding ten times the annual rent paid by the Bharatias to the tenant and shall be reduced by rent, taxes and revenue or other dues payable to the Central Government or the State Government apart from rent, taxes and other charges on account of management and collection at a rate of twenty per cent of the gross annual rent; (c) the amount for the purpose of sub-section (6) of section 7 shall be the market value determined under clause (a) or the amount calculated under clause (b), whichever is less. (2) Where any structure is occupied by the tenant himself, the fair rent determined by the Controller under sub-section (6) of section 7 shall be deemed to be the annual rent paid by Bharatias. The fair rent shall, however, be determined having regard to the situation, locality and condition of the premises and the amenities provided therein and where there are similar or nearly similar premises in the locality, having regard also to the rent payable in respect of such premises and after giving the tenant a reasonable opportunity of being heard, and shall be such as will appear to the Controller to be reasonable.

## **12. Appointment under sub-section (7) of section 7.**

Where there are more than one landlord in respect of a thika tenancy vested under section 4, the amount payable to them under sub-section (1) of section 7 or annuity payable to them under sub-section (2) of section 7 shall be apportioned among them by the Controller in the following manner : (a) where the landlords agree in writing as to their respective shares, the Controller shall apportion the amount among them according to such agreed share; (b) where the landlords do not agree in writing as to their respective shares, the Controller shall, having regard to the documents, affidavits and other evidence, if any, produced before him, make such apportionment as will appear to him to be reasonable; (c) where the Controller fails to make any apportionment under clause (b), he shall withhold the apportionment until the dispute as regards the shares of the landlord is decided by a court having jurisdiction.

## **13. Manner of disposal of dispute regarding payment of rent by the thika tenant or by a Bharatia or any case of eviction of Bharatia under sub-section (3) of section 8.**

(1) On receiving, (a) any application in Form B from a thika tenant or a Bharatia or any other person; or (b) any information, in writing, in regard to any dispute regarding payment of rent by the thika tenant to the State Government or by a Bharatia to a thika tenant, shall be disposed of by the Controller by giving reasonable opportunity of being heard to all concerned and, if necessary, by conducting a spot inquiry. (2) Any dispute, relating to eviction of a Bharatia, shall be disposed of by the Controller by giving reasonable opportunity of being heard to all concerned and after taking into

account the provisions laid down in Chapter III of the West Bengal Premises Tenancy Act, 1997 (West Bengal Act No. 37 of 1997), as subsequently amended and the rules framed thereunder.

#### **14. Manner of eviction or otherwise penalisation of a thika tenant in default of payment of rent to the State Government under subsection (4) of section 8.**

If a thika tenant has defaulted in paying rent, the Controller may, after giving such thika tenant an opportunity of being heard, order him to pay the rent with interest and with or without penalty, within such time as the Controller may decide and in default, a proceeding may be drawn in this respect against such thika tenant and after giving him an opportunity of being heard and, if necessary, after an inquiry, the structure shall be vested in the State and the thika tenant may be declared as trespasser and be evicted accordingly by issuing a notice for such eviction directing compliance within a specified date. After expiry of such date, the Controller may evict the thika tenant from such premises and if necessary, may require the help of the police authority for the purpose.

#### **15. Rate of rent payable by a Bharatia to a thika tenant or to the Controller under sub-section (7) of section 8 and sub-section (8) of section 8.**

(1) A Bharatia shall be liable to pay rent under sub-section (7) of section 8 to the thika tenant at the following rate against issue of valid and printed receipt : (a) Rs. 1.00 (one rupee) per square feet per month, in case of kuccha structure for domestic purposes or the present rate at which the Bharatia is paying rent to the thika tenant, whichever is higher; (b) Rs. 2/- per square feet per month, in case of pucca structure for domestic purposes or the present rate, whichever is higher; (c) in case the structure is used for business purposes, the rate of rent shall be Rs. 2/- or Rs. 4/- in kuccha or pucca structure, as the case may be. (2) In case where there is no thika tenant, a Bharatia shall be liable to deposit rent under sub-section (8) of section 8 at the rate as provided in rule 8 of these rules as if such Bharatia has obtained a licence under sub-section (5) of section 6 and he will be liable to pay rent as a licensee.

#### **16. Continuation of tenancies of Bharatias under a thika tenant and the manner of making application under sub-section (2) of section 10 and other matters incidental thereto under sub-sections (3), (4) and (5) of section 10.**

(1) If a thika tenant fails to restitute a Bharatia in similar accommodation in the reconstructed structure as provided in sub-section (2) of section 10, or if a dispute of similar nature exists between thika tenant and a Bharatia, the Bharatia may make an application stating the material facts, events and information with supporting documents in Form B, with as many copies as there are parties on whom notices are to be served. (2) On receiving such application, the Controller shall dispose of the matter in accordance with the provisions of sub-sections (3), (4) and (5) of section 10 after taking into account the provisions laid down in Chapter V of the West Bengal Premises Tenancy Act, 1997 (West Bengal Act No. 37 of 1997) as subsequently amended and the rules framed thereunder. (3) Any order of the Controller under sub-rule (2) shall be deemed to be an order within the meaning of

clause (t) of section 11 and shall, without prejudice to the provisions of rule 27, be executed accordingly.

### **17. Manner of review under sub-section (2) of section 12.**

An order passed by the West Bengal Land Reforms and Tenancy Tribunal and against which no appeal has been preferred, may be reviewed by it on an application made by any party within 30 days from the date of such order, in the manner prescribed in the Code of Civil Procedure, 1908, on the ground of discovery of new matter or evidence or on the ground of error apparent on the face of record, after giving the concerned parties an opportunity of being heard :Provided that the time taken to obtain certified copy of the order sought to be reviewed, shall be excluded for the purpose of computing the above mentioned period of limitation prescribed for making an application for review.

### **18. Manner of maintenance, preparation and revision of record of-rights under section 23.**

(1) Subject to the provision of the Act and these rules, the provisions of the West Bengal Land Reforms Act, 1955 (West Bengal Act No. 10 of 1956), as amended from time to time, relating to the maintenance, preparation and revision of record-of-rights shall apply, mutatis mutandis, for the purposes of this Act.(2)On receiving any application or otherwise, the Controller may, after giving an opportunity of being heard to all concerned and if necessary, by conducting an on-the-spot enquiry, make a change in the record-of rights on account of mutation or substitution of names as a result of transfer under sub-section (4) of section 5 or inheritance or partition of the holdings or consolidation or forfeiture of interests of thika tenant or resumption or settlement under section 25 or otherwise.(3)A fee for Rs. 10/- (Rupees ten) shall be payable along with every application for change in the record-of-rights.(4)Such change in the record-of-rights shall be informed by the person in whose favour the change has been effected to the local authority and the Collector of the area for necessary correction in their respective records.(5)The records maintained in the office of the Collector of local authority, if any may be consulted for the maintenance, preparation and revision of record-of-rights and a copy of such records may be made available to an interested party, on requisition in this respect and upon payment of such requisite fee as prescribed under rule 23.

### **19. Rate of monthly revenue payable by a thika tenant or tenant of other lands holding directly under State Government under subsection (1) of section 24 and rate of enhancement of the monthly revenue under sub-section (2) of section 24.**

(1) The rate of revenue payable to the State Government by a thika tenant or tenant of other lands holding directly under the State under sub-section (1) of section 24 shall be as follows :(a)rent for kuccha structure used for domestic purpose, shall be payable at the rate of Rs. 10.00 (Rupees ten) per katha per month; where the prevailing rate is higher it will continue;(b)rent for kuccha structure used for business purpose including commerce and industry, shall be payable at the rate of Rs.



20.00 (Rupees twenty) per katha per month; where the prevailing rate is higher it will continue :Provided that where the kuccha structures in a single holding are being used for both domestic and business purposes, respective rates shall be applicable for respective use for the area of such structure, for domestic or business purpose, as the case may be;(c)rent of pucca, and pucca-multistoried, structure used for domestic purposes, shall be payable at the rate of Rs. 15.00 (Rupees fifteen) per katha per month for and upto the first two stories and an additional fee Rs. 15.00 (Rupees fifteen) per katha per month shall be payable for floor area of each subsequent and additional floor;(d)rent for pucca, and pucca-multistoried, structures used for business purpose including commerce and industry, shall be payable at the rate of Rs. 30.00 (Rupees thirty) per katha per month for and upto the first two stories and an additional fee of Rs. 100.00 (Rupees one hundred) per katha per month shall be payable for floor area of each subsequent and additional floor :Provided that where the pucca and pucca multi-storied, structures in a single holding are being used for both domestic and business purposes, respective rates shall be applicable proportionately for respective use of the area of such structure, for domestic or business purpose, as the case may be :Provided further that the rent shall be payable monthly or quarterly or half-yearly or annually through T.R.Challan and the arrear of revenue, if any, shall bear simple interest at the rate of 6.25 per cent per annum from the date of which the revenue falls due till the date of its payment :Provided also that the arrear of revenue, if any, shall be recoverable as a Public Demand.

## **20. Terms, conditions and manner of making use of or settling with any person or authority, any land or structure under section 25.**

Any land or structure vested in, or resumed by, the State under the Act for public purpose, may be made use of, or settled with any person or authority for sub-serving the common good on the terms and conditions and in the manner laid down in the West Bengal Land and Land Reforms Manual, 1991, as amended from time to time and the provisions of which shall apply mutatis mutandis, to the use or settlement of such land or structure under section 25 of the Act.

## **21. Miscellaneous and supplementary.**

Every notice required to be served under the Act or these rules shall be served by registered post with acknowledgement due or where the procedure as aforesaid cannot be effected or is not feasible, in such manner as is provided for service of a process of revenue of a civil court.

## **22. Coming into force of rents, revenues and fees prescribed in these rules.**

Rents, revenues and fees prescribed in these rules shall be effective from the date of notification of the Act in terms of sub-section (3) of section 1

## **23. Fees for making applications and for copies.**

(1) A fee of rupees two shall be payable for every application made under the Act or these rules.(2)Such application may be presented by the applicant himself or by his agent, duly authorised

by him in writing. The applicant and the opposite party may be represented by agent duly authorised in writing :Provided that if the person representing a party is a legal practitioner and holds a Vakalatnama from the party on his behalf, on separate authorisation shall be necessary. Such Vakalatnama may, however, be cancelled on a prayer of the party.(3)Fees for copies shall be payable as follows(a)the fee chargeable for a certified copy of any application or order of any proceeding shall be rupees five :Provided that when an application is made at the same time for certified copies of the application, written statement, order and document of the same proceedings or case, there shall be charged a consolidated fee of rupees ten for all of them;(b)the fee chargeable for a certified copy of notes of evidence or order or judgment or written statement or document, shall be rupees five plus rupees two for a folio of ninety words :Provided that when an application is made at the same time for certified copy of at least two or more items of notes of evidence, order, judgment, written statement and document of the same case, a consolidated fee of rupees ten plus rupees two for a folio of ninety words shall be charged :Provided further that if the copy exceeds four folios, an additional fee of rupee one for each extra folio shall be payable;(c)if an application is made for obtaining certified copy of records and documents maintained in the office of the Collector or local authority in relation to maintenance, preparation and revision of record-of-rights, the fee for such certified copy shall be five plus rupees two for a folio of ninety words shall be charged :Provided that if the copy exceeds five folios, extra charge of rupee one for each extra folio shall be payable;(d)if the Head of any Department or Directorate of the Central or the State Government applies to the Controller or to the Appellate Authority for a certified copy of any final order of the Controller or of the Appellate Authority, as the case may be, for any public purpose, a certified copy of such order shall be granted to such applicant on plain paper only, free of cost.(4)In the matter of granting copies of records written in languages other than in English and Bengali, the procedure laid down in the Civil Rules and Orders for the guidance of Civil Courts and officers subordinate to the High Court at Calcutta shall be followed with modifications as may be necessary.(5)While applying for copies of maps or plans, the applicant shall file with the application requisite fees for application for certified copies and necessary tracing papers for such copies. The cost of copies of such maps or plans shall be assessed by the Controller in such manner as he may think fit.

## **24. Searching and other fees.**

(1) A searching fee of rupees five shall be payable for every application for each of the following items :(a)for information whether a record is available in the record-room or not :Provided that it shall be necessary to make a separate application with separate fee for any information required in connection with every separate cause or separate matter;(b)for inspection where the record is deposited in the record-room :Provided that such fee shall also be charged for inspection of records of pending case by advocates and legal practitioners. (2) A process fee at the rate of rupees five in respect of every party on whom a notice is to be served under the Act shall be paid.

## **25. Fee for affidavit.**

An affidavit sworn in before the Controller shall be charged with a fee equivalent to the stamp-duty payable under article 4 of Schedule 1A to the Indian Stamp Act, 1899 (2 of 1899).

## 26. Mode of payment of fees.

Any fee payable under these rules shall, unless otherwise expressly provided in these rules, be paid in court-fee stamps.

## 27. Assistance of the Police, District Administration and local authority.

(1) For the purpose of enforcing delivery of possession of any land or structure or for evicting any person in actual occupation of any land or structure as may be necessary under the Act, the Controller may send a written requisition to the Officer-in-Charge of the local police station or to any police officer superior to such Officer-in-Charge and on receipt of such written requisition, the Officer-in-Charge or the police officer as aforesaid shall render all necessary and lawful assistance for enforcing delivery of possession of such land or structure or for evicting any person in actual occupation of such land or structure. (2) If there is any law and order problem or any technical or documentary problem, the Controller may seek assistance, in writing, from the Collector, the District Administration and any local authority and on receiving such written communication, the Collector, the District Administration and the local authority shall render necessary and lawful assistance as required by the Controller. Form "A" [See clause (a) of sub-rule (1) of rule 3] Form of Return for Occupation of land to be furnished to the Controller

1. (a) Name(s) of the tenant(s) :
- (b) Name(s) of father/husband :
2. Name(s) of landlords(s) with address(es) :
3. Description of the land under tenancy-  
 (a) Address with municipal or other holding number or plot no. with name of mouza J.L. No., P.S. Etc. :  
 (b) Area in cottahs and in square metres :  
 (c) butted and bounded by. on the North on the East on the South on the West
4. Particulars of the tenancy-  
 (a) date of commencement  
 (certified/xerox/attested copies of documentary evidence to be enclosed) :  
 (b) Amount of periodical rent (state the period). If receipts were granted, a xerox attested copy of the receipt for rent last paid to be enclosed :
5. Description of the structure on the land-  
 (a) Whether the structures were raised by the thika tenant, if so, the date and cost of construction thereof. :

(b) Whether any part of structures was raised or improved by CDMA or any other authority if :  
so, details.

© Details of structures :

(d) Measurements :

6. Particulars of each of the Bhartias-

(a) Name :

(b) Name of father/husband :

©. (c) Area under occupation in square metres or square feet or both. :

(d) Amount of rent (true copy of counterfoil of last rent receipts to be enclosed). :

7. Whether the <i>thika</i> tenant holds any other land/land with building in Kolkata or Howrah or other municipal areas. State Yes/No. If yes, state the following particulars—

(a) Address with municipal holding number etc. :

(b) Held as owner/thika tenant/otherwise :

(c) Area (in cottahs and/or square metres) :

8. Particulars of suits/legal proceedings, if any, in respect of thika tenancy :

9. Remarks :

10. List of documents enclosed (vide items 4, 6 etc.)

(a) :

(b) :

(c) :

(d) :

I hereby declare that the particulars furnished in this declaration are correct, complete and true to the best of my knowledge and belief and no part of it is wrong or false. Dated : Address: Signature or left thumb impression of the thika tenant. N.B. : Separate returns should be furnished for each thika tenancy held by the person submitting the return, with a copy of such return to be submitted by such return to be submitted by such person to every other Controller within whose jurisdiction such person holds any other land as thika tenant. Form "B" [See sub-rule (1) of rule 13 / sub-rule (1) of rule 16] Application to the Controller for deciding dispute To Sir, I/We beg to state that I/We have been Bharatia/s in respect of the building/structure described in the schedule hereunder in municipal holding No..... within Ward No..... of the Corporation/Municipality of being premises No..... under the thika tenant/Shri/Shrimati..... residing at from the..... day of the month of..... of the year ..... I/We have been paying monthly rent of Rs..... for the said building/structure to the said thika tenant. Receipt/s was/were not granted to me for rents paid by me/us. (If there were other terms and conditions, state

the same here.)

**2. (Then State whether you have been unlawfully evicted or the building/structure has ceased to exist. Give details with dates.)**

**3. (If there is any dispute under section 10(2), give the facts with dates and all particulars here.)**

**4. (Here state the relief prayed for.)**

## Schedule

(Give detailed description of the land, building/structure with area of land and measurement of building/structure). I/We hereby declare that to the best of my/our knowledge and belief the above information given by me/us is correct,, complete and true and no part of it is wrong or false. Signature or left thumb impression of the Bharatia Form "C" (See rule 9) Form of Return to be submitted to the State Government

- |  |  |
|--|--|
| 1.   | (a) Name of landlord :                                     |
| (b) Name of father/husband   | :  |
| (c) Address(es)  | :  |
| (d) Name and addresses of other persons, if any, having interest in such lands and the nature of such interest | :  |
| 2.   | Particulars of land/lands under thikatenancy/other tenancy |
| (a) Postal address(es) and municipal/other holding number(s) to identify the land(s)                           | :  |
| (b) Total area in cottahs or square metres or both   | :  |
| (c) Total No. of thika tenants/ other tenants  | :  |
| (d) Total rent realised per month/year   | :  |
| (e) Any other income from the land   | :  |
| 3.   | Particulars of each of the thikatenant(s)/other tenant(s)— |
| (a) Name   | :  |
| (b) Postal address of the thikatenant /other tenant  | :  |
| (c) Holding No. in occupation of thikatenant/other tenant  | :  |

- (d) Area in occupation :
- (e) Date of commencement of tenancy (enclose certified/attested xerox copies of documentary) :
- (f) Rate of rent per month/year (enclose true copy of counterfoil of last rent receipt, if receipts were granted) :
- (g) Particulars of suits/legal proceedings, if any, in respect of the land :
4. Remarks :
5. List of documents enclosed-
- (a) certified/xerox/attested of title document proving the title to the land :
- (a) :
- (b) :
- (c) :

I hereby declare that above information given by me is correct, complete and true to the best of my knowledge and belief and no part of it is wrong or false. Dated, the Signature or left thumb impression of the landlord N.B.: (i) Information against item 2 should be furnished for each holding separately, if there are thika tenancies under the landlord in different holdings in a Corporation/Municipality. (ii) Area, rent, etc. shown in item 2 should tally with the total area, etc. shown in item 3. (iii) The return should be submitted in duplicate, to the office of the Controller, Kolkata or Howrah or other Corporation or Municipality as the case may be. (iv) If a landlord has thika tenancies on his lands in Howrah and Kolkata and other Corporation/Municipality separate returns are to be submitted in the Offices of the Controller's of Howrah and Kolkata or other Corporation/Municipality. (v) Attach extra sheets, if necessary to furnish particulars against items 2 and 3. The information should be given for each thika tenant (item 3) separately but in the same return. Form "D" [See sub-rule (1) of rule 5] Application for permission to construct pucca structure/building or to change the nature, character and dimension of a structure, on the land comprised in thika tenancies.

1. (a) Name and address of the thika/tenant/tenants :
- (b) Description of land— :
- | (i) Premises No. and Ward :
- | (ii) portion/entire :
- | (iii) area :
- (c) Type and overall measurement of the existing structure :
- (d) Type and overall measurement of the proposed building/construction :
- (e) Number of floor and flat with each floor space :

- (f) Purpose and use of the existing structure :
- (g) Purpose of the proposed building :
- (h) Total no. of Bharatias in the existing structure :
- (i) (i) Total area (floor space in SFT) occupied by those Bharatias :
- (j) (j) Number of bath and privies in the existing structure :
- (k) Number of bath and water closets in the proposed building :
- (l) What proportion of area (floor space in SFT) has been marked out in the proposed building for the use of the Bharatias :
- (m) Whether applicant resides in the existing structure :
- (n) Approximate time period to be taken for completion of construction :
- (o) Form "A" Receipt No. :
- (p) Xerox copies of Ground rent deposit since 18.01.1982 :
- (q) Declaration of Court cases litigation, if any, one the land/premises :
- (r) Xerox copy of last paid K.M.C. Tax Bills :
- (s) Approximate cost of construction :
- (t) The sources of fund :
- (u) Other information, if any :

Signature of thika tenant/tenants Form "E" [See sub-rule (2) of rule 8 Licence for the occupation of structure for failed No..... Dated..... The licence under sub-section (5) of section 6 of the West Bengal thika Tenancy (Acquisition and Regulation) Act, 2001 (West Bengal Act 32 of 2001), read with sub-rule (2) of rule 10 of the West Bengal thika Tenancy (Acquisition and Regulation) Rules, 2004, is hereby granted to Shri/Shrimati..... S/D//H/W/O..... (name with full address and other details) for the occupation of ..... (details of structure) in the premises..... subject to the provisions particularly sub-section (4) of section 5 of the said Act and the rules made thereunder and such licence shall expire on..... (2) The licence fees are fixed at Rs. .... (in words)..... per month payable monthly/quarterly/half-yearly failing which an interest @ 6.25% will be charged for non-payment within that year. (3) The service and other charges or taxes of the Corporation/ Municipality or other authorities whose services are being availed of by the licensee, shall be payable for the occupation/use of such structure. Controller thika Tenancy No..... Dated..... Copy forwarded for information and necessary action to :- (1) Sri/Srimati..... (Name of the Licensee) (2) Deputy Secretary, Land and Land Reforms Department, Government of West Bengal, Writers' Buildings, Kolkata-700 001. (3) The Commissioner/Executive

Officer.....Corporation/Municipality.Controllerthika TennacyReceived the copy of licence  
abiding by the terms and conditions laid down herein and to be laid down from time to time by the  
State Government.Full Signature of theBharatiaAddress :.....By order of the  
Governor,Sd/- Sukumar DasSecy. to the Govt. of West Bengal