

West Bengal Land Reforms Rules, 1965.

WEST BENGAL

India

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070.

1. Short title.

These rules may be called the West Bengal Land Reforms Rules, 1965.

2. Definitions.

In these rules, (a)"the Act" means the West Bengal Land Reforms Act, 1955 (West Bengal Act No. 10 of 1956);(b)"Form" means a Form appended to these rules;(c)["Gram Panchayat" means a Gram Panchayat constituted under the West Bengal Panchayat Act, 1973 (West Bengal Act No. 41 of 1973] [Substituted by Notification No. 3071-L.Ref., dated 10.7.2001 with effect from 10.7.2001.]; and(d)"Section" means a section of the Act.

2A. [Determination of the area of locality for the purpose of sub-section (8) of section 2. For the purpose of sub-section (8) of section 2 of the Act, "locality" shall include an area situated within a radius of eight kilometres measured from the north-west corner of the land owned by a person:

Provided that if such land is beyond eight kilometres from the residence of such person or any member of his family but the area of the mouza in which such land is situated is within eight kilometres from such residence, shall be deemed to be within such locality.] [Inserted by Notification No. 3468-L-Ref., 20-R-4/78, dated 25.9.1978.]

3. [Appointment of prescribed authority. (1) The State Government may, by notification in the Official Gazette, appoint more than one officer or authority to be the prescribed authority in a district or in a part thereof for all or any of the purposes of the Act.

(2)The State Government may appoint, by general or special order, different officers or authorities for hearing and disposing of appeals, transferred to them under sub-section (3) of section 54, arising out of the orders made under the provisions of the Act:Provided that the said officers or authorities shall be superior in rank or position to the officers or authorities making the orders appealed against.] [Rule 3 substituted by Notification No. 416-L-Ref., dated 13th June, 1988, published in Calcutta Gazette, dated 15.7.1988.]

3A. Terms and conditions for quarrying sand, etc., under sub-section (2A) of section 4

. (1) A raiyat intending to (a)quarry sand, or permit any person to quarry sand, from his holding, or(b)dig or use or permit any person to dig or use, earth or clay from his holding for the manufacture of bricks, tiles, for any purpose other than his own use, shall make an application in Form for a permit for such quarrying or digging or use to the [District Land and Land Reforms Officer] [Substituted by Notification No. 3071-L-Ref., dated 10.7.2001, w.e.f. 10.7.2001.] through the digging [Block Land and Land Reforms Officer] [Substituted by Notification No. 3071-L-Ref., dated 10.7.2001, w.e.f. 10.7.2001.] of the area. A copy of the application shall be sent at the same time to the [Sub-divisional Land and Land Reforms Officer] [Substituted by Notification No. 3071-L-Ref., dated 10.7.2001, w.e.f. 10.7.2001.] and to the [District Land and Land Reforms Officer] [Substituted by Notification No. 3071-L-Ref., dated 10.7.2001, w.e.f. 10.7.2001.].(2)Where such quarrying of sand or digging or use of earth or clay is intended to be done by any person other than the raiyat, the particulars of such person shall be mentioned in such application.(3)Where an application is made for a permit for quarrying of sand, such application must be accompanied by a certificate from the local Executive Engineer of the Public Works Department, Government of West Bengal, indicating the depth of sand seam and its thickness.(4)For the purpose of obtaining the certificate referred to in sub-rule (3), an application shall be made to such Executive Engineer, stating therein the particulars of the land (police station, mauza, khatian No., plot No. and area) and enclosing therewith a duly receipted Treasury Challan showing payment of a fee of five hundred rupees for the inspection and investigation to be made by the Executive Engineer.

3B. Verification of the application and grant of permit.

(1) On receipt of the application the [Block Land and Land Reforms Officer] [Substituted by Notification No. 3071-L-Ref., dated 10.7.2001, w.e.f. 10.7.2001.] shall ascertain if the applicant has a permanent and transferable interest in the land and whether all persons having such interest in the land have joined in the application and shall also make an enquiry, in consultation with Agricultural Extension Officer of the area, if necessary, as to (a)whether the land is double cropped or fit for double cropping or situated within the command area of any irrigational project;(b)whether the

land is situated within forty-five metres from any public road, railway track, an irrigation or drainage canal or an irrigation or drainage embankment;(c)the distance of the land from any public road, railway track or any irrigation embankment; and shall prepare a report.(2)The application with the report of the [Block Land and Land Reforms Officer] [Substituted by Notification No. 3071-L-Ref., dated 10.7.2001, w.e.f. 10.7.2001.] shall be sent to the [District Land and Land Reforms Officer] [Substituted by Notification No. 3071-L-Ref., dated 10.7.2001, w.e.f. 10.7.2001.] through the Sub-divisional Land Reforms Officer. [The Sub-divisional Land and Land Reforms Officer] [Substituted by Notification No. 3071-L-Ref., dated 10.7.2001, w.e.f. 10.7.2001.] shall forward the application along with the report of the [Block Land and Land Reforms Officer] [Substituted by Notification No. 3071-L-Ref., dated 10.7.2001, w.e.f. 10.7.2001.] with his own views after such further inquiries or local inspection which he may consider necessary to make.(3)The [District Land and Land Reforms Officer] [Substituted by Notification No. 3071-L-Ref., dated 10.7.2001, w.e.f. 10.7.2001.], may if he is satisfied after consideration of the report of the [Block Land and Land Reforms Officer] [Substituted by Notification No. 3071-L-Ref., dated 10.7.2001, w.e.f. 10.7.2001.] and the [Sub-divisional Land and Land Reforms Officer] [Substituted by Notification No. 3071-L-Ref., dated 10.7.2001, w.e.f. 10.7.2001.] that a permit may be granted for quarrying, digging or use, issue a permit in favour of the applicant in Form b1:Provided that no such permit shall be granted unless the fee mentioned in sub-rule (5) is paid:Provided further that no such permit shall be granted if (a)the land is double cropped or fit for double cropping;(b)the land is situated within the common area of any irrigational project;(c)in the case of sand quarrying, the thickness of sand seam is less than 6 metres;(d)the land is situated within 45 metres from any public road, railway track or any irrigation or drainage canal or any irrigation or drainage embankment, such distance being measured horizontally from the outer toe of the bank or the outer edge of the cutting, as the case may be.(4)Such permit shall be granted for [not exceeding three months] [Substituted by Notification no. 3071-L-Ref., 10.7.2001, w.e.f. 10.7.2001.] and shall be subject to the following conditions, namely, (a)the raiyat shall not himself, or permit any person to, quarry sand or dig or use any earth or clay from his land except under a lease granted under the Mines and Minerals (Regulation and Development) Act, 1957 (Act 67 of 1957);(b)the raiyat shall pay revenue and cess regularly;(c)the raiyat shall not transfer the permit to any person;(d)the raiyat shall allow the [District Land and Land Reforms Officer] [Substituted by Notification no. 3071-L-Ref., 10.7.2001, w.e.f. 10.7.2001.], the Sub-divisional Officer, the [Sub-divisional Land and Land Reforms Officer] [Substituted by Notification no. 3071-L-Ref., 10.7.2001, w.e.f. 10.7.2001.], the [Block Land and Land Reforms Officer] [Substituted by Notification no. 3071-L-Ref., 10.7.2001, w.e.f. 10.7.2001.] or any other officer authorised by the [District Land and Land Reforms Officer] [Substituted by Notification no. 3071-L-Ref., 10.7.2001, w.e.f. 10.7.2001.] in this behalf, to enter upon the land for inspection;(e)for actual operation of quarrying or digging or using 3 metres clear margin for every 2.5 metres depth shall be kept from the outer boundary of the adjacent plot or plots and maintained throughout the operation or the sides of the quarry shall be treated so as to form benches in a manner where the height of any bench shall not be more than the width of the bench and a clear margin of 3 metres shall be kept and maintained from the outer boundary of the adjacent land;(f)the permit may be cancelled at any time for any breach of the conditions;(g)the raiyat shall be wholly responsible for any breach of the conditions by the person to whom permission may be given by him for carrying out the operation.(5)A fee shall be payable in advance at the time of issue of the permit on the basis of the area of operation at the rate of seventy-five rupees per [acre] [Substituted by

Notification No. 3071-L-Ref. dated 10.7.2001, w.e.f. 10.7.2001 for hectare.] subject to a minimum of ten rupees.]

4. Manner of giving opportunity to the raiyat to show cause against action proposed to be taken under sub-section (2B) of section 4.

If any raiyat commits a breach of any of the provisions of sub-section (2A) of section 4, the prescribed authority shall serve a notice on the raiyat in Form No.1 or 'in a form substantially similar thereto calling upon him to appear before it and file a written statement within the date specified in the notice showing cause why action under sub-section (2B) of the said section shall not be taken against him. On receipt of the written statement, if any, submitted by the raiyat the prescribed authority shall, after hearing the raiyat or his duly authorised representative and after making such further enquiry as it may think necessary, dispose of the case.

5. [Manner of vesting of the holding of a raiyat in the State by the prescribed authority under sub-section (4) of section 4. (1) The prescribed authority shall serve a notice on the raiyat calling upon him to appear before it either personally or through authorised representative on a date to be specified in the notice for showing cause as to why his land shall not vest in the State under sub-section (4) of section 4 for contravention of the provisions of the said sub-section. On the date specified in the notice or on any subsequent date which may be fixed by the prescribed authority for the purpose, the prescribed authority shall, after giving the raiyat or his authorised representative, if any, an opportunity of being heard, and after making such further enquiry and rendering such further evidence as it may think necessary, dispose of the case. A copy of the order passed by the prescribed authority shall be served on the raiyat.

(2)Where an order has been passed by the prescribed authority vesting in the State the land of a raiyat, the prescribed authority shall direct the prescribed authority appointed under section 50 to take possession of the said land whereupon the said prescribed authority appointed under section 50 shall take possession of the said land in the manner provided in section 14SS and the rules made thereunder.(3)Every proceedings referred to in sub-rule (1) shall be given a cause number and a register shall be maintained by every prescribed authority showing there the case number, name and address of the raiyat, particulars of the land, area vested and such other remarks as may be considered necessary.] [Rule 5 substituted by Notification No. 416-L-Ref., dated 13th June, 1988, published in Calcutta Gazette, dated 15.7.1988.]

5A. [Manner of change of character, conversion or alteration in mode of use of land held by raiyat. (1) Any raiyat intending to change the character, convert or alter the mode of use of any land held by him, shall make an application to the officer concerned empowering, in writing, to discharge the function of the Collector of such change, conversion or alteration under section 4C, in Form 1A and shall be accompanied by such documents as mentioned in the said Form 1A.

(2) If the application as mentioned in sub-rule (1) relates to permission for change, conversion or alteration of any land having water body of any description or size, such application shall be accompanied by an affidavit in Form 1B for creation of compensatory water body of equal or larger size of such water body which is sought to be changed, converted or altered in the same mouza or in the adjoining mouza. (3) The Block Land and Land Reforms Officer shall dispose of the application as mentioned in sub-rule (1) relating to conversion of agricultural land not exceeding 0.10 acre, for non-agricultural purpose including homestead as well as for commercial and industrial purposes and vice versa. (4) The Sub-divisional Land and Land Reforms Officer shall dispose of the application as mentioned in sub-rule (1) relating to conversion of agricultural land exceeding 0.10 acre but not exceeding 1.00 acre, for non-agricultural purpose including homestead as well as for commercial and industrial purpose and vice versa. (5) The District Land and Land Reforms Officer shall dispose of the application as mentioned in sub-rule (1) for conversion of land for all other purposes including water bodies as specified above. (6) After receiving the application as mentioned in sub-rule (1), the Block Land and Land Reforms Officer may himself conduct necessary inquiry or may cause it to be done by the Revenue Officer attached to his office to ascertain if the applicant is bona fide holder of the land sought to be changed, converted or altered and all the persons having interest in such land have joined in the application, and as well as in all cases, to ascertain the followings: (a) if the proposed change of character, conversion or alteration in the mode of use of a land is likely to cause inconvenience to the residents of the surrounding area; (b) if the proposed change of character, conversion or alteration in the mode of use of a land will interfere with the normal agricultural activities in the surrounding area; (c) if the proposed change of character, conversion or alteration in the mode of use of a land will in any way hamper the public easement recorded in respect of such land; (d) if there is any bargadar in respect of the land sought to be changed, converted or altered; (e) if such permission is in any way prejudice the application of the provision of sub-section (3) of section 6 of the West Bengal Estates Acquisition Act, 1953 (West Bengal Act No. 1 of 1954) or the provisions of the Urban Land (Ceiling and Regulation) Act, 1976 (33 of 1976), or the provisions of the West Bengal Town and Country (Planning and Development) Act, 1979 (West Bengal Act 13 of 1979) or the provisions of the East Kolkata Wetland (Conservation and Management) Act, 2006 (West Bengal Act No. 7 of 2006), if applicable. (7) No field inquiry shall be conducted without giving at least 7 days' notice to the applicant specifying the date and time of such inquiry. (8) On receiving the application as mentioned in sub-rule (1), the Sub-divisional Land and Land Reforms Officer or the District Land and Land Reforms Officer, as the case may be, shall obtain necessary report from the Block Land and Land Reforms Officer who will conduct all such inquiry or inquiries as stated in sub-rule (7). (9) Where the application as mentioned in sub-rule (1) relates to permission for conversion of any land having water body of any description or size, the

Block Land and Land Reforms Officer shall also be asked to conduct necessary inquiry to ascertain if the person holding the land identified for creation of compensatory water body has permanent and transferable right, title and possession over such land and is agreeable for necessary transfer of such land for creation of compensatory water body therein. The District Land and Land Reforms Officer shall get the required report of the Block Land and Land Reforms Officer directly to save time.(10)As soon as necessary inquiry is completed, notice shall be issued to the applicant concerned and bargadar, if any and all other persons interested in such land or affected in any way for giving them an opportunity of being heard specifying the date and time when such hearing shall be taken, and the date so fixed shall not be extended except in the deserving cases duly recorded the reasons thereof in the relevant order sheet of the case record. If there is bargadar on the land, no permission for conversion of land may be granted save and except the cases where permission for conversion relates to such purposes as stated in the proviso to sub-section (5) of section 20B of the Act and written confirmation from the bargadar is submitted by the applicant concerned to the effect that he has been properly compensated in accordance with the said proviso to sub-section (5).(11)The Block Land and Land Reforms Officer or the Sub-divisional Land and Land Reforms Officer or the District Land and Land Reforms Officer, as the case may be, shall after considering the facts and circumstances of the case and after giving the applicant and other concerned persons including bargadar, if any, an opportunity of being heard, by order in writing, either reject the application or direct change, conversion or alteration as sought for on the following terms and conditions and such other terms and conditions as he may think necessary:(a)that the order directing change, conversion or alteration is without prejudice to any of the provisions of Chapter-IIB of the said Act;(b)that the order directing change, conversion or alteration is without prejudice to the provision of sub-section (3) of section 6 of the West Bengal Estates Acquisition Act, 1953 (West Bengal Act No. 1 of 1954);(c)that where the land is situated within any urban agglomeration within the meaning of the Urban Land (Ceiling and Regulation) Act, 1976 (33 of 1976), the order directing change, conversion or alteration is without prejudice to the provisions of the said Act;(d)that where the land is situated within the jurisdiction of a Development Authority constituted under the West Bengal Town and Country (Planning and Development) Act, 1979 (West Bengal Act 13 of 1979), the order directing change, conversion or alteration is without prejudice to the provisions of the said Act;(e)that where the land is situated within the areas of East Kolkata Wetlands as defined in the East Kolkata Wetlands (Conservation and Management) Act, 2006 (West Bengal Act No. 7 of 2006), the order directing change, conversion or alteration is without prejudice to the provisions of the said Act;(f)that where the object of change or conversion is to use the land for a purpose for which approval or permission or licence from an appropriate authority is necessary, the order directing change, conversion or alteration is subject to obtaining such approval or permission or licence from such authority as soon as the order granting change or conversion as sought for is made; and(g)that where the application relates to permission for change, conversion or alteration of any land having water body, the order directing change, conversion or alteration is subject to creation of compensatory water body of equal or larger size of such water body within a period of 90 days from the date of issue of the order granting change, conversion or alteration as sought for is made.(12)While directing change, conversion or alteration of any land having water body of any description or size the District Land and Land Reforms Officer shall also ask the applicant concerned in writing to produce documents showing that compensatory water body has been created within the stipulated period of time after having the identified land transferred

formally from the person concerned holding such land and such document shall have to be submitted within a period of 15 days after expiry of the stipulated period of 90 days for creation of such compensatory water body failing which the order issued for change, conversion or alteration of the land having water body shall be cancelled by the District Land and Land Reforms Officer who may also make an order directing the applicant concerned for restoration of the water body if already changed or converted within a period of 90 days from the date of issuance of such direction at his own cost and report compliance thereof to the District Land and Land Reforms Officer: Provided that the District Land and Land Reforms Officer shall not make any order directing change, conversion or alteration of any land having water body unless he has made a prior consultation in writing with the Fisheries Department and the Environment Department at the block or regional level for obtaining necessary clearance in this regard: Provided further that if the applicant concerned produces necessary clearance certificate obtained from the aforesaid Departments of the State Government before the District Land and Land Reforms Officer, no such consultation is required for making necessary order directing change, conversion or alteration of land having water body for which permission is sought for. (13) If the District Land and Land Reforms Officer on inquiry finds that the direction for restoration of the water body in question has not been complied with he shall take action for such restoration and realise the cost for restoration from the applicant concerned. In case of failure to pay the cost of restoration, the District Land and Land Reforms Officer may realise the cost as a public demand in accordance with the provisions of the Bengal Public Demands Recovery Act, 1913 (Bengal Act No. 3 of 1913). (14) Every application relating to change; conversion or alteration in the mode of use of any land shall be disposed of by written order either rejecting such application or directing such change, conversion or alteration, as the case may be, within a period of not exceeding 90 days from the date of receiving such application and in case disposal of an application cannot be made within the said period of 90 days, reasons shall be recorded in the relevant order sheet of the case record. (15) Every application relating to change, conversion or alteration of any land having water body shall be disposed of by written order either rejecting such application or directing such change, conversion or alteration, as the case may be, within a period not exceeding 120 days from the date of receiving such application and in case disposal of such application cannot be made within the said period of 120 days, reasons thereof shall be recorded in the relevant order sheet of the case record. (16) In respect of every order directing change, conversion or alteration of any land (a) in case of land without having any water body, it has to be specified that such change, conversion or alteration shall take effect from the date of issuance of such order; and (b) in case of land having any water body, it has to be specified that such change, conversion or alteration shall take effect from the date of conversion of water body or from such date as may be stated in such order. [Rule 5A substituted by Notification No. 4297-LR/1A-05/07 GE(M), dated 17th September, 2009, published in Kolkata Gazette, Extraordinary, dated 24.9.2009.]

5B. [Procedure to be followed by Collector under proviso to sub-section (1) of section 4A. The Collector shall,

(a) on being satisfied with the fact that the land is not made vulnerable to landslide and degradation, and (b) after making consultation with and taking approval of the Darjeeling Gorkha Autonomous Hill Council, issue directions regarding the form of cultivation to be adopted by a raiyat on such

terms and conditions as the Collector may think fit.][Rule 5B inserted by Notification No. 3071-L-Ref., dated 10.7.2001, w.e.f. 10.7.2001.]

6. Taking possession of excess land under section 6.

[Omitted]

7. Notice under sub-section (1) of section 9 of application for transfer by [co-sharer of a raiyat] [Substituted by Notification No. 3071-L-Ref, dated 10.2.2001, w.e.f. 10.7.2001.] or contiguous tenant.

Notice under sub-section (1) of section 9 of application for transfer shall be in Form No. 4.

8. Procedure for appeals and fees to be paid under sub-section (6) of section 9.

(1) Every appeal under sub-section (6) of section 9 shall be filed in the form of a memorandum and shall be signed and verified by the appellant in the manner provided in sub-rules (2) and (3) of Rule 15 of Order VI of Schedule I to the Code of Civil Procedure, 1908. It shall be accompanied by an authenticated copy of the order appealed against and shall contain the following particulars, namely, (a) the name and address of the appellant; (b) the name and address of the respondent; (c) the location and particulars of the [plot of land] in respect of which orders were passed by the Munsif; and (d) the grounds of appeal. (2) The Court-fees payable on the memorandum of appeal shall be such as are provided in sub-clause (ii) of clause (a) of Article 11 of Schedule II to the Court-fees Act, 1870 and shall be collected in the same manner as laid down in that Act. (3) On the filing of an appeal, the Appellate Officer shall call for the records of the case from the officer or authority against whose order the appeal has been filed and after giving the appellant and the respondent an opportunity of being heard shall dispose of the appeal. (4) A process fee of Rs. three and paise fifty per party on whom a notice is to be served shall be paid along with the memorandum of appeal.

9. [* * *] [Omitted by Notification No. 3071-L-Ref., dated 10.7.2001, w.e.f. 10.7.2001.]

10. Notice under sub-section (2) of section 14.

Notice to be served on the prescribed authority under sub-section (2) of section 14 shall be in Form No. 6.

11. Process fee for transmission of the instrument of partition to the prescribed authority under sub-section (2) of section 14.

The process fee payable for transmission of the registered deed of partition to the prescribed authority under sub-section (2) of section 14 shall be Rs. three and paise fifty.

12. Form of application for redemption of usufructuary mortgage under sub-section (4) of section 14C.

An application under sub-section (4) of section 14C for redemption of a usufructuary mortgage shall be in Form No.7.

13. Manner of enquiry on applications made under sub-section (4) of section 14C.

In making enquiries on applications made under sub-section (4) of section 14C for redemption of a usufructuary mortgage the Revenue Officer shall follow, as nearly as may be, the procedure laid down in the Code of Civil Procedure, 1908, for the trial of suits, recording a memorandum of the substance only of the evidence as in cases in which no appeal lies and the reasons, in brief, for his findings.

14. Manner of execution of final order under sub-section (5) of section 14C.

A Revenue Officer shall in executing a final order under sub-section (5) of section 14C follow, as far as possible, the procedure laid down in the Code of Civil Procedure, 1908, relating to execution of decrees.

14A. Manner of inquiry under sub-section (1) of section 14E.

(1) For the purpose of determining whether permission for transfer had been obtained by misrepresentation or fraud the Revenue Officer shall hold such enquiry as he may think necessary, record a memorandum in substance only of evidence that may be adduced by or on behalf of the interested parties, and after giving them an opportunity of being heard, shall give his decision with reasons therefor: [Provided that the Revenue Officer shall dispose of the proceeding within a period of three months from the date of initiation of the inquiry.] [Proviso added by Notification No. 3071-L-Ref., dated 10.7.2001.] (2) While making a determination under sub-rule (1) the Revenue Officer shall follow, as nearly as may be, the procedure laid down in the Code of Civil Procedure, 1908 (Act No. 5 of 1908) for the trial of suits, and provisions of the Indian Evidence Act, 1872 (Act No. 1 of 1872). (3) [An appeal against the order of the Revenue Officer under sub-rule (1), shall lie with the authorities as mentioned in section 54.] [Inserted, *ibid.*]

14B. [Manner of determination of questions as to whether any land is or is not within an irrigated area under sub-section (1) of section 14N. The prescribed authority shall hold such enquiry as he may think necessary, record a memorandum of such enquiry and after giving the raiyat a reasonable opportunity of being heard, shall give his decision with reasons therefor.] [Substituted by Notification No. 3396-L-Ref., 2A-11/78, dated 18.9.1978.]

14BB. [Manner of taking possession of vested land under section 14SS. (1) Possession of vested land shall be taken by entering into the land and by making a certificate to the effect that possession has been taken over under section 14SS. The certificate shall be prepared in triplicate. A signed copy of the certificate shall be sent to the Collector and another signed copy shall be handed over to the raiyat, if available at the time of taking over possession. The third signed copy shall be kept in the records relating to vesting of the land.

(2)Where a portion of a plot vests in the State, the Revenue Officer or the authority who makes the order of vesting, shall determine which portion of the plot has vested, make a sketch map of the plot in triplicate showing the vested portion and area thereof, and take possession of the said vested portion in the manner provided in sub-rule (1). A signed copy of the sketch map shall be sent to the Collector and another signed copy handed over to the raiyat, if available, together with the certificate of possession:Provided that where a plot, a portion of which vests in the State, was held immediate before the date of vesting jointly by two or more raiyats including the raiyat whose undivided share in the plot vests in the State, the Revenue Officer, or the authority who makes the order of vesting, shall give an opportunity of hearing to all the raiyats of the plot before determining which portion of the plot so vested shall be taken possession of.(3)The requisition under sub-section (3) of section 14SS, where necessary, shall be sent in Form No. 6A to the Officer-in-Charge of the police station within whose jurisdiction the land, possession of which would be taken, is located.Explanation. For the purpose of this rule, a raiyat includes the owner and the lessee of land.] [Rule 14BB, inserted by Notification No. 416-L-Ref., dated 13th June, 1988, published in Calcutta Gazette, dated 15.7.1988.]

14C. Form and manner of submission of return under-sub-section (1) of section 14T.

(1) The return to be furnished by a raiyat owning land in excess of the ceiling area shall be in Form No. 7A.(2)The return shall be submitted, in triplicate, within the 31st day of July, 1971, to the Revenue Officer having jurisdiction in the area in which the lands or major portion thereof are situated:Provided that the State Government may, by notification in the Official Gazette, extend the said time limit by such period as it may think fit.(3)If any raiyat acquires any land whether by transfer, inheritance or otherwise after the 15th day of February, 1971 and such land together with

the land owner by him exceeds the ceiling area applicable to him, he shall, within three months from the date of such acquisition, furnish a return, in triplicate, in Form No. 7A to the Revenue Officer having jurisdiction in the area in which the lands or a major portion thereof are situated.(4)[(a) The State Government may, at any time by notification in the Official Gazette, direct every raiyat, and intermediary to submit a return notwithstanding any return having already been submitted under sub-rule (2) or sub-rule (3), in Form No. 7AA for the purpose of determination or redetermination of the ceiling for such raiyat and intermediary. Every raiyat and intermediary shall within thirty days from the date of publication of such notification in the Official Gazette, submit a return in Form No. 7AA in triplicate to the Revenue Officer having jurisdiction in the area in which the lands owned or held by him and by other members of their families, or major portion thereof, are situated:Provided that the State Government may, by notification in the Official Gazette, extend the said time limit by such period, as it may think fit.(b)Where the number of raiyats Or intermediaries or both, as the case may be, in a family is more than one, a consolidated return in Form No. 7AA shall be submitted by the head of the family, or by any other member of the family duly authorised in this behalf by all other members of the family owning land or holding land under lease. No land which has already vested in the State under section 14S shall be shown in the return as land to be retained.(c)in the case of a land comprised in a tea garden, mill, factory or workshop or land used for the purpose of livestock breeding, poultry farming or dairy [or township in a planning area as may be permitted to be developed under the West Bengal Town and Country (Planning and Development) Act, 1979], the raiyat or the lessee, as the case may be, may, if he desires to retain land under section 14Z in excess of the prescribed ceiling for the purpose of the tea garden, mill, factory, workshop, livestock breeding, poultry farming or dairy, [or township in a planning area as may be permitted to be developed under the West Bengal Town and Country (Planning and Development) Act, 1979] [Inserted by Notification No. 3071-L-Ref., dated 10.7.2001 w.e.f. 10.7.2001], as the case may be, submit a memorandum along with the return in Form 7AA to the Revenue Officer concerned stating therein the purpose for which land in excess of the prescribed ceiling is needed. The Revenue Officer shall forward all such returns to the Settlement Officer within whose jurisdiction the land or major portion thereof is situated. The Settlement Officer shall cause such enquiry as he may think necessary to ascertain the actual requirement of land for the purpose for which it is sought to be retained and forward a report with his comments to the State Government for consideration. The State Government, after considering the said report and after causing such further enquiry as may be thought necessary, shall, after giving the raiyat or the lessee, as the case may be, an opportunity of being heard, allow the raiyat or the lessee, as the case may be, to retain so much of such land as in the opinion of the State Government is required for the purpose of the tea garden, mill, factory, workshop, livestock breeding, poultry farming or dairy [or township in a planning area as may be permitted to be developed under the West Bengal Town and Country (Planning and Development) Act, 1979] [Inserted by Notification No. 3071-L-Ref., dated 10.7.2001 w.e.f. 10.7.2001.].Explanation. In this sub-rule. "intermediary" shall mean an intermediary referred to in section 3A of the Act.] [Sub-Rule(4) Inserted by Notificatin No. 416-L-Ref., 13th June 1988, published in Calcutta Gazette, dated 15.7.1988.]

14D.

[xxx] [Omitted, ibid w.e.f. 10.7.2001.]

14E. [Manner in which the amount to be paid under section 14V shall be assessed. (1) When a land or rights and interests in a land have vested in the State under the Act, the Revenue Officer within whose jurisdiction the said land or rights and interests in the land or major portion thereof are situated, shall prepare an Assessment Roll in Form No. 14 in respect of the raiyat or intermediary, as the case may be, who held the said land or rights and interests in the land before the same have vested in the State for the purpose of payment of amount under section 14V of the Act:

Provided that the Assessment Roll for a vested land shall not be prepared till possession of the same has been taken over by the Revenue Officer.(2)Assessment Roll shall contain particulars about the raiyat or intermediary, as the case may be, description of the land and of rights and interests in tenanted land which have vested in the State and the amount payable under section 14V of the Act.(3)(a)When an Assessment Roll has been prepared, the Revenue Officer shall publish the same in draft in a manner similar to that provided in clause (g) of this sub-rule and shall also send a copy thereof along with a notice in Form No.15 to the raiyat or intermediary, as the case may be, at his last known address.(b)A separate Assessment Roll shall be prepared and published in respect of each raiyat and intermediary in a family where there are more than one raiyat or intermediary or both in the family whose khas land or rights and interest in land have vested in the State.(c)Within thirty days from the date of publication of the Assessment Roll under clause (a), the raiyat or the intermediary, as the case may be, may file before the Revenue Officer an objection in Form No. 16 in respect of any entry therein or any omission therefrom relating to his rights and interests in land that have vested in the State.(d)The order of the Revenue Officer in deciding an objection filed under clause (c) shall contain a concise statement of the fact of the case, the points for determination, the decision thereon and the reasons for such decisions.(e)An appeal may be filed by a raiyat or an intermediary, as the case may be, against the order of a Revenue Officer under clause (d) to the Collector 'under section 54 within sixty days from the date of the order of the Revenue Officer.(f)Where no objection has been filed under clause (c) or where all such objections have been disposed of but no appeal-has been filed under clause (e), or where an appeal has been filed under clause (e) and disposed of, the Revenue Officer shall make such alterations, if any, in the Assessment Roll as may be necessary to give effect to any order passed on objection or on appeal. as the case may be, and shall cause the Roll or the Assessment Roll so altered to be finally published. The Revenue Officer shall not cause an Assessment roll to be finally published till the appeal, if any, filed under clause (e) is disposed of.(g)An Assessment Roll shall be finally published under clause (f) by placing it for public inspection free of charge during a period of not less than one month at such convenient place in the locality as the Revenue Officer may determine, and shall cause a public notice to be given to that effect. The Revenue Officer shall make a certificate stating the fact of such final publication and the date thereof and shall date and subscribe the same with his name and

official designation. A copy of the Assessment Roll finally published shall be sent to the raiyat or the intermediary, as the case may be, with a notice in Form No.17.(h)The Revenue Officer shall prepare and publish an Assessment Roll under the guidance and supervision of the Settlement Officer of the district within whose jurisdiction he is posted.(i)The Settlement Officer of a district may direct preparation and publication of Assessment Roll by such Revenue Officers under him as he may select and may issue such instructions to the Revenue Officer as he may think necessary regarding the manner in which an Assessment Roll shall be prepared and published.(j)The Settlement Officer of a district may cancel any draft Assessment Roll published under clause (a) and may order de novo preparation and publication of the said Assessment Roll by the Revenue Officer who prepared and published it or by any other Revenue Officer selected by the Settlement Officer for the purpose. A copy of the order of the Settlement Officer cancelling an Assessment Roll shall be sent to the raiyat or intermediary, as the case may be.(k)The Board of Revenue, West Bengal may cancel an Assessment Roll finally published under clause (t) and may order that the Settlement Officer shall cause it to be prepared and published de novo. On receipt of such an order the Settlement Officer shall direct a Revenue Officer under him to prepare and publish the Assessment Roll de novo. Copy of the order cancelling a finally published Assessment Roll shall be sent to the Settlement Officer and the Collector of the district and also to the raiyat or the intermediary, as the case may be.(l)After an Assessment Roll is finally published it shall be sent to the Collector for payment.(m)Every Revenue Officer in charge of preparation and publication of an Assessment Roll shall maintain a register in such form as may - be specified by the Board of Revenue, West Bengal and shall initial with date each entry in the said register.(n)The amount determined in an Assessment Roll shall bear interest at the rate of three percentum per annum(i)when a land has vested in the State, for the period from the date of taking over of possession of the land by the Revenue Officer to the date of final publication of the Assessment Roll; and(ii)when rights and interests in tenanted land have vested under section 3A for the period from the date of such vesting to the date of final publication of the Assessment Roll.(4)(a)A supplementary Assessment Roll may be prepared and published in respect of a raiyat or an intermediary, as the case may be, if more land or rights and interests in land are found to have vested under the Act than that shown in the Assessment Roll or Rolls already published. No supplementary Assessment Roll shall be prepared by a Revenue Officer without obtaining prior approval of the Settlement Officer in writing.(b)Where more Assessment Rolls than one have already been finally published by a Revenue Officer or by more Revenue Officers than one in respect of a raiyat or an intermediary, as the case may be, the amounts of the said Assessment Rolls may be paid separately with prior approval of the Settlement Officer, and where the Assessment Rolls have been published by Revenue Officers posted in two or more districts, with prior approval of the Director of Land Records and Survey, West Bengal. Such Assessment Rolls shall not be paid if the same vested land or rights and interests in the same land is shown in two or more of the said Assessment Rolls without making necessary corrections. A supplementary Assessment Roll shall be treated as a separate Roll for the purpose of payment.(5)Notwithstanding anything contained in sub-rules (1) to (4) of this rule, (a)the State Government may, by notification in Official Gazette, change any procedure laid down or any form prescribed in sub-rules (1) to (4) and may prescribe new procedure or form for the purpose of preparation and publication of Assessment Rolls; and(b)the Board of Revenue, West Bengal, may prescribe such registers and forms as it may think necessary, for the purpose of preparation and publication of Assessment Rolls and may change or modify any register already prescribed.Explanation. In this

rule, (a)'intermediary' shall mean an intermediary referred to in section 3A, and (b)'raiyat' includes lessee of a land.][Rule 14E substituted by Notification No. 416-L-Ref, dated 13th June, 1988, published in Calcutta Gazette, dated 15.7.1988.]

14F. [Manner of payment of the amount under section 14V. (1) The Collector to whom an Assessment Roll or a supplementary Assessment Roll has been sent for payment, shall at once acknowledge receipt of the same, start a case with appropriate number and other particulars entered in the order sheet and shall enter the said particulars in a register of receipts of Assessment Rolls.

(2) The Collector shall send a notice to the raiyat or the intermediary, as the case may be, to receive payment of the amount determined in the Assessment Roll together with interest. The raiyat or the intermediary, as the case may be, shall be asked to submit within sixty days from the date of service of the notice a statement in writing as to the following particulars: (i) details of his lands and interests in such land which have vested in the State under the Act; (ii) whether he has already received any amount for vesting of any of his lands or interests in land under the Act. (3) Where the raiyat or the intermediary, as the case may be, is found to have already received an amount for vesting of his lands or for vesting of any interests in land under the Act or where lands or rights and interests in lands other than those shown in the Assessment Roll are found to have vested under the Act, or where any mistake is detected in determination of the amount in the Assessment Roll, the Collector shall return the Assessment Roll with a report to the Revenue Officer from whom the same was received. The Revenue Officer in all such cases, after holding such enquiry as he may think necessary and after hearing the raiyat or the intermediary, as the case may be, send the Assessment Roll with a report to the Settlement Officer for necessary order. (4) Where the Assessment Roll has not been returned to the Revenue Officer under sub-rule (3), the Collector shall take steps for payment in such manner as may be determined by the Board of Revenue, West Bengal. (5) (a) The amount payable to the raiyat or the intermediary, as the case may be, shall be drawn from the Treasury by a bill. The bill shall be drawn in the office of the Collector and after it is countersigned by the Collector it shall be handed over to the payee or to his authorised agent, if any, appointed by him either by a registered power of attorney or under a vokatnama duly executed by him. Where the payment is made to the raiyat himself, he shall be duly identified by a responsible person and the name of the identifier recorded. (b) Where the payee is dead, the payment may be made to his heir or heirs either jointly or severally in proportion to their respective shares. In all such cases payment will be made (i) where the total amount payable does not exceed Rs. 1,000, on the basis of a certificate given by a Member of the Legislative Assembly or by a Member of the local Panchayat Samity or by a Commissioner of a Municipality or by a Councillor of a Municipal Corporation or by an Officer of the Government not below the rank of a Deputy Collector that the claimant or claimants are sole heir or heirs of the deceased payee. (ii) where the total amount payable exceeds Rs. 1,000 but does not exceed Rs. 5,000 on the basis of an affidavit sworn by such heir or heirs to the effect that he or they is or are sole heir or heirs of the deceased payee. In all such cases, the heir or heirs, as the case may be, shall execute an indemnity bond to the extent of the amount involved. (iii) where the total amount payable exceeds Rs. 5,000 on production of a succession certificate under the Indian Succession Act, 1925 (39 of 1925). (c) Payment may be made in cash, or

in cheque or in bank draft or by money order according to the instructions to be issued by the Board of Revenue, West Bengal.(d)In all such cases of payment the procedure including identification as laid down in clause (a) shall be followed mutatis mutandis.(6)(a)Where notice could not be served on the payee or payment could not be made for any reason whatsoever, or where the raiyat or the intermediary, as the case may be, does not respond within six months from the date of service of the notice, the Collector shall send the Assessment Roll and the records of the case to the District Record Room of the Collector-ate for safe custody after making necessary entries in the register to be maintained under sub-rule (1). A camp wise register shall be maintained in the Record Room also in respect of Assessment Rolls consigned to the Record Room.(b)If and when the raiyat or the intermediary, as the case may be, claims payment against an Assessment Roll already sent to the Record Room of the Collectorate, he shall be required to appear before the Collector personally or by an authorised agent and file an application properly stamped for the purpose. The application shall be supported by an affidavit by the applicant explaining the reasons for not taking payment earlier.(c)On receipt of an application under clause (b) the Collector shall obtain the case record from the District Record Room and after satisfying himself regarding the delay, shall make payment following the procedure mentioned in sub-rules (1) to (5).(7)(a)Where the raiyat or the intermediary, as the case may be, is a minor, the payment may be made to his natural guardian, or to a guardian appointed by the will of his parents, or to a guardian appointed or declared by a Court, or to a person empowered to act as, or exercise the powers of, a guardian by or under any enactment relating to Court of Wards.(b)When the raiyat or the intermediary, as the case may be, is a lunatic, the payment may be made to the manager of the estate of the lunatic which includes the vested lands and vested interests in land, provided such manager has been appointed under the Indian Lunacy Act, 1912 (4 of 1912).(8)The Board of Revenue, West Bengal, may specify forms and registers for any of the following purposes:(i)Register mentioned in sub-rule (1),(ii)Notice mentioned in sub-rule (2),(iii)Bill mentioned in clause (a) of sub-rule (5),(iv)Register of Assessment Rolls consigned to the District Record Room mentioned in sub-rule (6),(v)Any other register, notice or form as the Board of Revenue may think necessary.(9)Notwithstanding anything contained in sub-rules (1) to (8), the State Government may, by notification in the Official Gazette, modify or alter any procedure laid down in sub-rules (1) to (8) and may also, if it thinks necessary, prescribe a new procedure in respect of any matter mentioned in the said sub-rules.Explanation. In this rule, (a)'Collector' includes an Additional Collector and such other officer in a district as may be appointed as Collector by the State Government for the purpose of any provisions of this rule;(b)'intermediary' shall mean an intermediary referred to in section 3A; and(c)raiyat includes lessee of a land.][Rule 14F inserted by Nofitication No. 416-L-Ref., dated 13th June 1988, published in Calcutta Gazette, dated 15.7.1988.]

14FF. [Procedure for implementation of sub-section (2) of section 14Z. All cases initiated under sub-section (2) of section 14Z, shall be forwarded by the District Land and Land Reforms Officer and Settlement Officer or Collector, as the case may be, to the Director of Land Records and Surveys, West Bengal. The Director of Land Records and Surveys, West Bengal shall examine each and every case including the land use map prepared for the purpose and Schedule of land appended with the case record, record his

finding and forward such case record to the State Government for final consideration.] [Inserted by Notification No. 3071-L-Ref. dated 10.7.2001.]

14G. [Manner of vesting of land of an owner in the State by the prescribed authority under sub-section (2) of section 17. (1) The prescribed authority shall, after holding such enquiry as he may think necessary, serve a notice on the owner of the land setting forth in brief the charges against him and calling upon him to appear before it either personally or through an authorised representative on a date to be specified in the notice for showing cause as to why his land, particulars of which shall be given in the notice, shall not vest in the State under sub-section (2) of section 17. On the date specified in the notice, or on a subsequent date to which the proceedings may be adjourned. the prescribed authority shall, after giving the owner or his authorised representative, if any, an opportunity of being heard, dispose of the case.

(2)The order of the prescribed authority disposing of a case under sub-rule (1) shall contain a concise statement of the fact of the case, the points for determination, the decision thereon and the reasons for such decision. A copy of the order shall be sent to the owner concerned.(3)If in pursuance of an order under sub-rule (1) a land vests in the State, possession of such land shall be taken by the prescribed authority, or by an officer duly authorised by him, in the manner provided in sub-rule (1) of rule 14BB.(4)Where possession of a land is taken under sub-rule (3), the amount to which the owner of the land will be entitled, shall be determined in the manner provided in rule 14E, and the amount so determined shall be paid in the manner referred to in rule 14F:Provided that the Assessment Roll shall be prepared and published by the prescribed authority or by an officer authorised by the prescribed authority:Provided further that the Board of Revenue, West Bengal may cancel an Assessment Roll prepared under this rule and may also order de novo preparation and publication of the same.] [Rule 14G was inserted by Notification No. 416-L-Ref., 13th June 1988, published in Calcutta Gazette, dated 15.7A988.]

14GG. [Terms and conditions and manner of holding of land by way of purchase or otherwise in excess of ceiling limit. (I) A person, as defined in the Explanation I to section 14Y, requiring land in excess of the ceiling limit prescribed under section 14M for the purpose of establishing a mill, factory or workshop, livestock breeding farm, poultry farm, dairy, industrial park or industrial hub or industrial estate, financial hub, warehousing, tea garden, Agro-industry, power plant or power transmission or distribution sub-station, film city, tourism project, educational and medical institutions, biotech park, food park, port, airport, shipyard including shipbuilding and ship breaking,

oil and gas products piped transportation, information and communication technology (ICT) industries and information and communication technology (ICT) allied industries or mining and allied activities, shall apply to the State Government in the Land and Land Reforms Department for previous permission, in writing, to hold land by way of purchase or otherwise in excess of the ceiling limit, in Form No. 7C.

(2) A person, as so defined, requiring land in excess of the ceiling limit prescribed under section 14M, shall, for the purpose of future expansion of any such mill, factory or workshop, livestock breeding farm, poultry farm or dairy, industrial park or industrial hub or industrial estate, financial hub, warehousing, agro-industry, power plant or power transmission or distribution sub-station, film city, tourism project, biotech park, food park, port, airport, shipyard including shipbuilding and ship breaking, information and communications technology (ICT) industries and information and communication technology (ICT) allied industries, apply to the State Government in the Land and Land Reforms Department for previous permission, in writing; to hold land by way of purchase or otherwise in excess of the ceiling limit, in Form No. 7CC. (3) The application shall contain a detailed project report which has been examined, vetted and approved by the appropriate Department of the State Government concerning the project, as well as all such particulars and documents as mentioned in Form No. 7C or Form No. 7CC, as the case may be. (4) The State Government in the Land and Land Reforms Department may call for, from the applicant concerned, any other information and document that may be required for the purpose of considering the application. (5) The State Government in the Land and Land Reforms Department having regard to all the circumstances of a case and on the basis of the recommendations of the appropriate Department of the State Government concerning the project may grant necessary permission in respect of so much of land as is recommended by the appropriate Department of the State Government. (6) A person, having been so permitted by the State Government in the Land and Land Reforms Department, may hold land by way of purchase or otherwise in excess of the ceiling limit prescribed under section 14M strictly for the purpose for which such permission has been granted on the following terms and conditions and such other terms and conditions as the State Government may consider it necessary to impose and include in a case: (a) that the land shall not be acquired illegally and forcibly in any circumstances whatsoever; (b) that the fair and reasonable price for the land shall be paid to the land owners; (c) that no coercive method shall be used in obtaining possession of the land; (d) that the land so permitted to be acquired shall be utilized within three years of the date of such permission granted for the purpose for which such permission has been sought for; (e) that the land so permitted to be acquired shall not be left unused, either wholly or partly, at any point of time after granting such permission for any reason whatsoever; (f) that where the object of the project is to use the land for a purpose for which approval or permission or licence from an appropriate authority is necessary, such approval or permission or licence shall be obtained from such authority as soon as the order granting such permission as sought for is made; (g) that where permission has been sought for to establish an industrial park or industrial hub or industrial estate or financial hub or a biotech park or a food park, the land so permitted to be acquired shall be utilised for such purposes within three years of the date of such permission and shall be leased out the whole or any part of it only with the previous permission of the appropriate Department of the

State Government concerning the project under intimation to the Land and Land Reforms Department to such a person who will set up a unit there within the aforesaid period of three years as per objects of the respective project as approved.][Rule 14GG Substituted by Notification No. 3890-LP/1A-8/2012, dated 18.7.2012, w.e.f. 18.7.2012.]

14H. [Manner of enquiry to be held under sub-section (4) of section 21. (1) The officer or authority to whom a reference has been made under sub-section (3) of section 21, shall at once start a case with appropriate number and with other particulars entered in the order-sheet and shall enter the same in a register.

(2)The officer or authority, as the case may be, shall ascertain if the name of the person under reference is recorded as bargadar in the record-of rights prepared under section 51, or under section 21D or maintained under section 50, or his name as bargadar has been incorporated in record-of-rights, or he has been given a certificate in accordance with any provision of Schedule A to these rules.(3)Where the name of the person under reference does not appear as bargadar in any of the records mentioned in sub-rule (2), the officer or authority to whom the reference under sub-section (3) of section 21 has been made shall hold an enquiry including an on-the-spot enquiry to ascertain the fact. He may examine witnesses including the local member of the Gram Panchayat within whose jurisdiction the land is situated, members of farmers' organisations, if any, in the locality and cultivators of lands situated near or adjoining the land.(4)After holding enquiries under sub-rules (2) and (3), and after holding such further enquiry as he may deem fit, the officer or authority, as the case may be, shall make a decision as to whether the person whose name has been referred to by the Court, is a bargadar or not and shall communicate a signed copy of the said decision to the Court [within three months] [Rule 14H was inserted by Notification No. 416-L-Ref., dated 13th June, 1988, Published in Calcutta Gazette dated 15.7.1988.,].(5)Decision referred to in sub-rule (4) shall contain the point for determination, a concise statement of the facts revealed on such enquiry or enquiries, reasons for the decision and the decision.]

14I. [Manner of entering names of bargadars in the record-of-rights under section 21D. (1) (a) During preparation or revision of record-of-rights under Chapter VIIA of the Act names of bargadars shall be recorded by a Revenue Officer in the following manner:

(i)A Revenue Officer, empowered under section 51 and having jurisdiction in a mauza, shall record the names of bargadars who cultivate lands in the said mauza, in the record-of-rights at different stages of preparation or revision of said record-of-rights described in Schedule A;(ii)A Revenue Officer who has been appointed with the additional designation of Settlement Officer may, at any time between any two stages of preparation or revision of record-of-rights of a mauza described in Schedule A, direct that a Revenue Officer subordinate to him shall record the names of bargadars who cultivate land in the said mauza after holding an on-the-spot enquiry in the said mauza. On receipt of the said direction the Revenue Officer shall issue a public notice and shall on the

appointed day, after holding on-the-spot inquiry in the said mauza, record the names of bargadars: Provided that before recording names of the bargadars the Revenue Officer shall give an opportunity of hearing to all the interested parties including local representatives, if any, of peasants' organisation, if any, who may be present at the time of the inquiry and desire to be heard: Provided further that the public notice for holding the inquiry shall be published at a conspicuous place of the Officer of the Gram Panchayat within whose jurisdiction the mauza is situated at least one week before the date of holding the enquiry; (iii) any subsequent objection against recording of a bargadar under sub-clauses (i) and (ii) shall be considered at the next stage of preparation or revision of record-of-rights as described in Schedule A. (b) Where the record-of-rights have been finally published under the Act, or where preparation or revision of record-of-rights has not yet been taken up under the Act, names of bargadars shall be recorded in the following manner:-(i) A prescribed authority appointed under section 50 of the Act may, on application or on his own motion, record the name of bargadar in record-of-rights after holding an inquiry and after giving the interested parties an opportunity of being heard; (ii) where the prescribed authority appointed under section 50 is satisfied that in a mauza within his jurisdiction there is a number of unrecorded bargadars who cultivate lands in the said mauza, he may, after holding an on-the-spot enquiry with a prior public notice, record names of the bargadars of the said mauza in the record-of-rights and issue certificates in a form similar to Form No. 8B to the bargadars thus recorded. He shall also inform [the raiyats concerned] of such recording: Provided that the public notice for holding the on-the-spot inquiry shall be published at least one week before the date of the inquiry at a conspicuous place of the Officer of the Gram Panchayat within whose jurisdiction the mauza is situated: Provided further that before recording names of the bargadars, the Revenue Officer shall give an opportunity of hearing to the interested parties including local representatives, if any, of a peasants' organisation who may be present at the time of the inquiry and may desire to be heard. The inquiry shall be held in a summary way and a note of such enquiry and result thereof shall be kept to the case recorded by the prescribed authority. Explanation. The prescribed authority appointed under section 50 shall be deemed to have been satisfied that there is a number of unrecorded bargadars in a mauza if such satisfaction is based on information received by him or on his knowledge gained in course of his official duties or on identification by the Collector or by the Settlement Officer of mauzas with large concentration of unrecorded bargadars. (iii) Recording of bargadars under sub-clauses (i) and (ii) shall be subject to supervision by the Collector or by any other officer appointed by the Government for the purpose. (2) The State Government may, at any time, by notification in the Official Gazette, direct that names of bargadars in a district, or in a part thereof, shall be entered in the record-of-rights by such officers, in such manner and after holding such enquiry as may be specified in the said notification] [Rule 14-I was inserted by Notification No. 416-L-Ref., dated 13th June, 1988, published in Calcutta Gazette, dated 15.7.1988.].

15. [Manner of determination of revenue under section 23. (1) In determining revenue payable by a raiyat in respect of lands in rural areas, the Revenue Officer shall ascertain whether the raiyat and his family is exempted from paying revenue under the provisions of section 24. The total quantum of land held by a raiyat and his family who is not exempted under section 24, shall be calculated and thereafter, the amount of revenue payable shall be

determined on the basis of the total quantum of land held by a raiyat and his family.

(2) When the revenue of all the raiyats in the Block is so determined, a list shall be prepared in the following format and published in the notice board of the office of the Block Land and Land Reforms Officer and the concerned Revenue Inspector for the purpose of inviting claims and objections within a period of thirty days from the date of publication of such list for filing such claims and objections, if any. Form for Publication of List

Name of raiyat and his address	Total number of family members	Quantum of land held by the raiyat and his family	Mouzas in which the lands are held	Total amount of rent determined	Remarks
(1)	(2)	(3)	(4)	(5)	(6)

(3) The claims and objections as received under sub-rule (2) shall be disposed of in a summary way after causing enquiry, if necessary, within a period of sixty days after the expiry of thirty days as mentioned in sub-rule (2). (4) If no claim and objection has been received within thirty days as mentioned in sub-rule (2), the amount of revenue determined under sub-rule (1) shall be deemed to be the finally determined revenue. (5) The finally determined revenue as stated in sub-rule (4) shall constitute a demand in respect of the raiyat. (6) The claims and objections as in sub-rule (2), shall be filed in Form No. 7B. (7) Exemption of land revenue as stated in section 24 does not apply in urban areas. In urban areas the revenue shall be calculated for each Khatian in accordance with the provisions of clause (d) to clause (f) of section 23, as it may apply and the revenue so calculated shall be written in appropriate column of the Khatian. In case of finally published Record-of-Right, the revenue so calculated shall constitute the final demand. If the Record-of-Right is not finally published, the revenue so calculated shall be published as per procedure mentioned in sub-rule (2) and finalised the demand as stated in sub-rule (4)] [Substituted by Notification No. 3071-L-Ref., dated 10.7.2001 w.e.f. 10.7.2001.]

16. [Manner of alteration of revenue under section 25. Subject to the provisions of section 24,

(a) when the land held by a raiyat and his family has increased in area by amalgamation, purchase or any other cause, the revenue payable for the land shall be increased by an amount which bears the same proportion to the entire revenue demand of the land prior to such increase in area. (b) when the land held by a raiyat and his family has decreased in area by diluvion, partition, subdivision, acquisition or any other cause, the revenue payable for the land shall be decreased by an amount which bears the same proportion to the entire revenue demand of the land prior to such decrease in area.]] [substituted by Notification No. 3071-L-Ref., dated 10.7.2001 w.e.f. 10.7.2001.]

17. [Manner, time and place of payment of instalments of revenue under section 27. (1) The revenue payable by a raiyat shall be paid in equal half-yearly instalments each falling due on the last day of each half of the

agricultural year in respect of which it is paid.

(2) Each instalment of revenue payable by a raiyat shall be paid within the working hours of the day on which it falls due. (3) The payment of revenue may be made in cash (i) to the Revenue Inspector of the area in which the land for which revenue is payable is situated, or (ii) to the Block Land and Land Reforms Officer of the Block in which the land for which revenue is payable is situated. (4) The payment of revenue may also be made by postal money order to the Block Land and Land Reforms Officer of the Block in which the land for which revenue is payable is situated. (5) The revenue may also be paid by challan in T.R. Form No. 7 against proper head of receipt in an authorised bank provided the challan is duly checked and countersigned by a Revenue Officer of the Block in which the land is situated. (6) When a raiyat makes any payment on account of revenue he may declare the year or years or the instalment or instalments in respect of which he wishes the payment to be credited and the payment shall be credited accordingly. (7) If the raiyat does not make any such declaration, the payment may be credited against the year or years for which the payment is due] [Rules 17 and 18 substituted by Notification No. 3071-L-Ref., dated 10.7.2001, w.e.f. 10.7.2001.].

18. [Procedure and form of receipt. The receipt for the amount paid by a raiyat shall be in Form No. 8 or in any other Form substantially similar thereto and for every receipt granted therefor a duplicate with carbon paper shall be prepared. The original copy of the receipt shall be handed over to the raiyat and the duplicate carbon copy shall be retained by the Revenue Inspector or any other officer receiving such payment. On receipt of revenue either by postal money order or by receipted challan, the Revenue Inspector or Revenue Officer of the Block shall get a receipt prepared in Form No. 8 in duplicate and hand over the original receipt to the payee. Normally the Bhumi Sahayak shall collect the revenue and maintain the cash book under full supervision of the Revenue Inspector. The Block Land and Land Reforms Officer or his authorised officer, if any, shall periodically inspect the cash book with reference to receipts and monitor the progress of collection:

Provided that the State Government may, by order from time to time, modify Form No. 8, either generally or for any particular local area or class of cases.] [Rules 17 and 18 substituted by Notification No. 3071-L-Ref., dated 10.7.2001, w.e.f. 10.7.2001.]

19.

[* * *] [Omitted by Notification No. 3071-L-Ref., dated 10.7.2001.]

20. [Procedure for recovery of arrear of revenue. (1) Any instalment of revenue or part thereof if not paid by the date fixed for the payment of such instalment, shall be deemed to be an arrear. If such arrear remains unpaid at the close of the agricultural year to which it relates, a notice of demand shall be served on the raiyat asking him to make payment of the arrear within the date specified in the notice with interest at the rate of 61/4 per cent per annum from the date or dates on which the revenue became due. If after receipt of the notice of demand, a raiyat does not pay the arrears of revenue with such interest within the specified date, such arrear of revenue shall be realised as a public demand under the Bengal Public Demands Recovery Act, 1913, as amended from time to time.

(2)The Director of Land Records and Surveys, West Bengal shall prepare detailed guideline in the form of general instruction for the purpose of determination of revenue by the Revenue Officer keeping in view of the provisions of Act and rules made in this regard.] [Rule 20 substituted by Notification No. 3071-L-Ref., dated 10.7.2001, w.e.f. 10.7.2001.]

20A. Terms and manner of settlement of lands at the disposal of the State Government under section 49.

(1) Settlement of lands which are at the disposal of the State Government may be made by the Collector of the district or the [District Land and Land Reforms Officer] [Substituted by Notification No. 3071-L-Ref., dated 10.7.2001, w.e.f. 10.7.2001.] or the Sub-divisional Officer of the sub-division of the district in which the lands are situated.(2)Such settlement shall be made on a permanent basis, and the person with whom the land is settled shall have subject to the restrictions imposed on transfer of such land by sub-section (1A) of section 49 all the rights and obligations of a raiyat, as prescribed in the Act and the rules framed thereunder.(3)[The area of land to be settled with a person shall be subject to the maximum of such area as together with the land already held by him as a raiyat and half the area cultivated by him as a bargadar does not exceed 0.4048 hectare:Provided that the area of land settled for the purpose of homestead with a person having no homestead of his own shall not exceed five cottahs or 0.0335 hectare.] [Subrule (3) was substituted by Notification No. 416-L-Ref., 13th June, 1988, published in Calcutta Gazette, dated 15.7.1988.](3a)For the purpose of such settlement the Collector or the [District Land and Land Reforms Officer] [Substituted by Notification No. 3071-L-Ref., dated 10.7.2001, w.e.f. 10.7.2001.] or the Sub-divisional Officer may consider the recommendations of the Bon-o-Bhumi-Sanskar Sthayee Samities as have already been set up or as may hereinafter.be set up at the block level under orders of the Board of Revenue:Provided that, for reasons to be recorded in writing, the Collector or the [District Land and Land Reforms Officer] [Substituted by Notification No. 3071-L-Ref., dated 10.7.2001, w.e.f. 10.7.2001.] or the Sub-divisional Officer may dispense with or disregard such recommendation or refer any case back to the committee for reconsideration.(3b)[(i) The Collector or the [District Land and Land Reforms Officer] [Sub-rule (3b) was inserted by Notification No. 2146-L-Ref., dated 1.6.1979.] or the Sub-divisional Officer, within whose jurisdiction the land is

situated, shall deliver possession of the land to the person with whom it has been settled, and if necessary after evicting the person in actual occupation of such land in the manner laid down in sub-section (3) of section 49: Provided that the person aggrieved by such eviction may within thirty days from the date of eviction, make an application for restoration of possession before the Collector or the [District Land and Land Reforms Officer] [Substituted by Notification No. 3071-L-Ref., dated 10.7.2001, w.e.f. 10.7.2001.] or the Sub-divisional Officer, under whose order he was evicted, on the ground that he was entitled to maintain his possession as against the person with whom possession had been delivered. (ii) The Collector or [District Land and Land Reforms Officer] [Substituted by Notification No. 3071-L-Ref., dated 10.7.2001, w.e.f. 10.7.2001.] or the Sub-divisional Officer, as the case may be, shall within fifteen days from the date of such application, hear both the parties after affording them opportunity to adduce evidence, in support of their respective claims and upon consideration of the evidence that may be adduced, shall record his findings on the dispute. If he finds that the person evicted had the right to possession of the land against the person with whom the land had been settled, he shall forthwith direct restoration of possession of the land to the applicant. In case he finds otherwise, he shall forthwith dismiss the application. (iii) Such order of the Collector or [District Land and Land Reforms Officer] [Substituted by Notification No. 3071-L-Ref., dated 10.7.2001, w.e.f. 10.7.2001.] or the Sub-divisional Officer, as the case may be, shall be final. (4) The deed of settlement shall be as far as possible in Form No. 8A or its equivalent in the Bengali or the Nepali language and shall be executed by the Collector, the [District Land and Land Reforms Officer] [Substituted by Notification No. 3071-L-Ref., dated 10.7.2001, w.e.f. 10.7.2001.], Sub-divisional Magistrate, the Sub-divisional Officer or the [Sub-divisional Land and Land Reforms Officer.] [Substituted by Notification No. 3071-L-Ref, dated 10.7.2001.] (5) [Provisions of sub-rules (1) to (4) shall apply only to such lands as are used for agricultural purposes and homestead.] [Inserted by Notification No. 416-L-Ref., dated 13th June, 1988, published in Calcutta Gazette, dated 15.7.1988.] (6) [Notwithstanding anything contained elsewhere in this rule the Collector or the Additional Collector of a district may, with prior approval of the Board of Revenue, West Bengal, settle a land of any classification or description which is at the disposal of the State Government, with a person, a group of persons, an institution, a corporation, a firm, a company, a society, a trust, a cooperative society, a local body including a Gram Panchayat, Panchayat Samity and Zilla Parishad, an authority established by or under a law, or any other organisation for such purpose and on such terms and conditions, as may, by a general or special order, be specified by the said Board of Revenue.] [Inserted by Notification No. 416-L-Ref., dated 13th June, 1988, published in Calcutta Gazette, dated 15.7.1988.]

20B. Making of enquiry under ,sub-section (2) of section 49.

(1) As soon as an application or information is received by the Revenue Officer that settlement of any land has been obtained by any person under sub-section (1) of section 49 by practising fraud or misrepresentation, or that a transfer of land has been made in contravention of the provisions of sub-section (1A) of section 49 he shall have a case started, call for the connected records and pass orders for local enquiry. The Revenue Officer may himself make such enquiry or cause it to be made by such officer not below the rank of an officer of the West Bengal Subordinate Land Revenue Service, Grade I. (2) The Revenue Officer shall, unless the case is summarily rejected, fix a date for consideration of the case and of the report of the local enquiry, if any, and after giving all persons

interested, an opportunity of being heard and after considering such evidence as may be produced, make a summary record of the facts disclosed in the hearing and his decisions in the case.

21. Manner of maintenance of record-of-rights.

(1) Whenever change is required to be made in the record-of-rights on account of any of the causes mentioned in clauses (a) to (f) of section 50, the matter shall be brought to the notice of the Revenue Officer especially empowered by the State Government for maintaining up-to-date the village record-of-rights and all papers containing the original orders passed in mutation and other cases or authenticated copies of such orders shall be made available to him. On receipt of the original orders or authenticated copies thereof the Revenue Officer shall make necessary corrections in the record-of-rights and shall subscribe his dated signature to such corrections noting the authority under which the corrections have been made. After the corrections have been made, the Revenue Officer shall inform the parties concerned and, if necessary, the Settlement Department of the changes made in the record-of-rights.(2)[Notwithstanding the provisions of sub-rule (1), the Revenue Officer may, on his own motion, incorporate in the village record-of-rights any change on account of alteration in the mode of cultivation, for example, by a bargadar mentioned in clause (e) of section 50 after making such inquiry including on-the-spot inquiry and inspection, as he may deem fit, and after giving the parties interested an opportunity of being heard. After the change has been incorporated the Revenue Officer shall inform the parties concerned and, if necessary, the Settlement Department of such change in the record-of-rights and shall grant to such bargadar a certificate in Form No. 8B or in Form No. 8C, as the case may be.Explanation. For the purpose of this sub-rule, the Revenue Officer shall be deemed to act on his own motion even where an application or representation has been made to him by any person claiming to be entitled to be recorded as bargadar or by any other person on his behalf, not being a legal practitioner or an advocate.(3)The parties interested shall be deemed to have been given an opportunity of being heard under sub-rule (2), if before one week of the inquiry, if any, or, where no inquiry is made, one week before incorporating in the village record-of-rights any change on account of clause (e) of section 50, the Revenue Officer publishes a notice of his intention to make an inquiry, or as the case may be, to incorporate any change as mentioned in sub-rule (2), by affixing a notice to some conspicuous part of the village/mauza in which the land affected is situated; and by affixing notice to a conspicuous place in the office of the Gram Panchayat within whose jurisdiction the land affected is situated.(4)Anything done or any action taken under sub-rules (1), (2) and (3) as amended by Notification Nos. 3426-L. Ref., dated the 19th September 1978, 1960-L. Ref., dated the 26th May, 1979, 2224-L. Ref., dated the 11th June, 1979 and 1592-L. Ref., dated the 30th July, 1980 shall be deemed to have been validly done or taken with effect from the respective dates when such sub-rules had come into operation and that anything so done or any action so taken shall be deemed to have constituted an opportunity of being heard to each party entitled thereto.] [Rule 21 has been renumbered as Rule 21(1) and new Rules 21(2), (3) & (4) have been inserted by Notification No. 1998-L-Ref./20R-3/80, dated 2.5.1981, published in Calcutta Gazette, dated 12.5.1981.]

22. Procedure for revising or preparing record-of-rights under Chapter VII.

When an order has been made under section 51 directing that a record-of-rights be revised or prepared in respect of a district or part of a district, the record-of-rights of such district or part thereof shall be revised or prepared in the manner laid down in Schedule A appended to these rules.

23. Particulars to be recorded.

When an order is made under section 51 for the revision or -preparation of a record-of-rights the particulars to be recorded by the Revenue Officer in the record-of-rights may include, either without or in addition to other particulars, any or all of the following, namely, (a)the name of each person who is a raiyat or occupant of land or who is a bargadar as described in the West Bengal Land Reforms Act, 1955;(b)the situation, class and quantity of the land held by each raiyat, occupant or bargadar;(c)the name of each raiyat's or occupant's landlord;(d)the revenue and cesses payable at the time the record-of-rights is being revised or prepared;(e)the rights and obligations of each raiyat in respect of-(i)the use by him of water for agricultural purposes, whether obtained from a river, jhil, tank or well or any other source of supply, and(ii)the repair and maintenance of appliances for securing a supply of water for the cultivation of the land held by him, whether or not such appliances be situated within the boundaries of such land;(f)the special conditions and incidents, if any, of the tenancy;(g)any right of way or other easement attaching to the land for which a record-of-rights is being revised or prepared;(h)if the land is claimed to be held revenue free whether or not revenue is actually paid, and, if not paid, whether or not the occupant is entitled to hold the land without payment of revenue and if so entitled, under what authority.

24. Publication of the draft-record.

(i) After the record-of-rights has been revised or prepared as aforesaid the Revenue Officer shall publish the draft of the record-of-rights as so revised or prepared by placing it for public inspection free of charge, during a period of one month, at such convenient place as he may determine. A public notice shall previously be published in each village, informing the raiyats of the place at which the draft record-of rights of that village will be open to public inspection, the period during which it will be open to such inspection and the last date within which objections may be filed.(ii)Objections to the draft record-of-rights shall be filed and disposed of in the following manner: Blank form of objection in Form No. 9 shall be available free of charge from the Settlement Office and objections shall, as far as practicable, be made in such form. Along with the original objection, the objector shall file a copy or copies of the same with a copy or copies of notices for service on persons who are materially interested in the case and the Revenue Officer shall issue notice informing the objector and all such persons so interested of the date and the place fixed for the hearing of the objection. No objection shall be disposed of without affording the parties materially interested or their representatives an opportunity of being heard:Provided that in any case in which an order is made ex parte against a person, he may, within thirty days from the date of the order, apply to the Revenue Officer for an order to set it aside and if he satisfies the Revenue Officer that the notice of the objection was not duly served on him, or that he was prevented by any sufficient cause from appearing when the case was called on for hearing, the Revenue Officer shall

make an order setting aside the ex parte order as against such person and shall fix another date for proceeding with the case: Provided further that where the ex parte order is of such a nature that it cannot be set aside as against such person only, it may be set aside as against all or any of the other persons also involved in the case.

25. Procedure for final publication of record-of-rights.

After the objections, if any, preferred under rule 24 have been considered and disposed of by the Revenue Officer, he shall, finally prepare the record-of-rights and cause such record to be finally published by placing it for public inspection, free of charge, during a period of not less than one month at such convenient place as he may determine and cause a public notice to be given to that effect in each village to which the record-of-rights relates stating the place where it will be open to such inspection.

26. Appeal under sub-section (5) of section 51A.

(i) Every appeal under sub-section (5) of section 51A shall be filed in the form of a memorandum and shall be signed and verified by the appellant in the manner provided in sub-rules (2) and (3) of Rule 15 of Order VI of Schedule I to the Code of Civil Procedure, 1908, and shall be accompanied by an authenticated copy of the order appealed against. (ii) Every appeal shall be filed before the [prescribed authority appointed under sub-section (5) of section 51A] [Substituted by Notification No. 416-L-Ref., 13th June, 1988, published in Calcutta Gazette, dated 15.7.1988, for the words "Additional District Magistrate"] within one month from the date of the passing of the order appealed against: Provided that an appeal may be admitted after the said period if the appellant satisfies the Additional District Magistrate of the District in which the land is situated that he had sufficient reasons for not preferring the appeal within the said period. (iii) The court fees payable on a memorandum of appeal under sub-section (5) of section 51A shall be such as provided in Article 11 of Schedule II to the Court Fees Act, 1870, and shall be collected in the manner laid down in that Act.

27. Powers of officers appointed for revision or preparation of record-of-rights under Chapter VII.

All officers appointed for revision or preparation of record-of-rights under section 51 shall be vested with the powers as provided in Schedule B appended to these rules.

28. [Terms and conditions for the purpose of sub-section (1) of section 52.

(1) Land held by a person, a body of individuals, a society, an institution, a corporation, a company, a firm, a trust or a cooperative society shall, but for a special contract or agreement between the State Government and such person, body of individuals, society, institution, corporation, company, firm, trust or cooperative society, as the case may be, held as a raiyat under the

State Government:

Provided that this provision shall not apply to a land belonging to the State Government or to the Government of India.(2)Where a land is held under a lease granted by the State Government, the lessee shall, subject to the provisions of the Act and subject to such further terms and conditions as the State Government may prescribe in accordance with provisions of the Act, hold the land under the said lease on original terms and conditions of the said lease:Provided that where the area of a land held under a lease granted by the State Government has decreased due to operation of any of the provisions of the Act, there shall, without prejudice to any provision of the Act, or in any other law for the time being in force, be a reduction in the annual rent payable for the said land to the State Government which shall be proportional to the decrease in area of the land.(3)Notwithstanding anything contained in sub-rules (1) and (2), the State Government may, from time to time, by notification in the Official Gazette, prescribe such other terms and conditions as it may think fit on which a raiyat shall hold land under the Act.] [Rule 28 was substituted by Notification No. 416-L-Ref., 13th June, 1988, published in Calcutta Gazette, dated 15.7.1988.]

28A. [Management of land and estate belonging to the State Government in accordance with sub-section (2) of section 52. Without prejudice to the provisions elsewhere contained in these rules, all lands and all interests therein belonging to the State Government shall be managed and shall be deemed to have been managed by the Collector of the district under whose jurisdiction the lands are situated in accordance with the West Bengal Land and Land Reforms Manual, 1991, published by the Board of Revenue, West Bengal, being the rules for the time being in force for the management of Government lands and estates subject to such directions, as may, by general or special order, be issued from time to time by the State Government in this behalf:

Provided that the State Government may entrust' the management of a land belonging to it in any area to a local body or to an authority constituted by or under any law for the time being in force on such terms and conditions as the State Government may specify from time to time.] [Rule 28A was inserted by Notification No. 416-L-Ref., 13th June, 1988, published in Calcutta Gazette, dated, 15.7.1988.]

29. Procedure for appeals.

(1) Every appeal under the Act the procedure for which has not been prescribed elsewhere in these rules shall be filed in the form of a memorandum and shall be signed and verified by the appellant in the manner provided in sub-rules (2) and (3) of Rules 15 of Order VI of Schedule I to the Code of Civil Procedure, 1908. It shall be accompanied by an authenticated copy of the order appealed against.(2)The court-fees payable on a Memorandum of Appeal shall be such as provided in Article 11 of Schedule II to the Court-fees Act, 1870, and shall be collected in the manner as laid down in

that Act.(3)A process-fee of Rs. three and paise fifty for each party on whom notice is to be served shall be paid by the appellant.

30. Manner of service of notice.

All notices required to be served under the Act or these rules the mode of service of which is not provided for in the Act or elsewhere in these rules shall be served by registered post with acknowledgement due or in the manner provided for the service of a process of a Revenue or a Civil Court.

31. Manner of granting copies of records.

The rules in the Bengal Records Manual shall be followed in the matter of granting copies of records :Provided that in the case of appeals filed before a [Civil Judge (Junior Division)] [Substituted by Notification No. 3071-L-Ref., dated 10.7.2001.] under sub-section (6) of section 9 or before special Judge under sub-section (5) of section 51A, the procedure laid down in the High Court Civil Rules and Orders in respect of such matters shall be followed.

32. Fees and process fees.

The fees and process fees payable under these rules shall be paid in court-fees stamps.

A

1. Procedure for revision or preparation of record-of-rights.

When an order has been made under section 51 directing that a record-of-rights be revised or prepared by a Revenue Officer in respect of the land of any district or part thereof the record-of-rights shall be revised or prepared by the following processes, namely:(i) Traverse survey;(ii) Cadastral survey;(iii) Preliminary record writing (or Khanapuri); .(iv) Local explanation (or Bujharat);(v) Attestation;(vi) Publication of the draft record-of-rights;(vii) Disposal of objections;(viii) Preparation and publication of the final record-of-rights:Provided that any of the steps referred to in items (i) to (v) may be omitted or amalgamated with another with the previous permission of the State Government:[Provided further that a Revenue Officer who has been appointed with the additional designation of Settlement Officer, may, either on his own motion or on receipt of applications from others at any time before final publication of the record-of-rights, direct(i)that any portion of the proceedings in respect of the revision or preparation of the record-of-rights of any district or part thereof shall be cancelled and that such proceedings shall be carried out de novo from such stage as he may direct. No notice of such cancellation, whether on own motion or on application, shall be required to be given or shall be deemed to have been required to be given, but before proceedings are carried out de novo from the stage as may be directed, a proclamation by beat of drums of the proposed proceedings shall be served in the district or part thereof;(ii)that names of bargadars shall be incorporated in the record- of-rights by the

Revenue Officer subordinate to him after holding such enquiry and after giving the persons claiming as bargadars and the owners of the land concerned such opportunity of being heard as the Revenue Officer may deem fit;(iii)that the persons claiming as bargadars and persons claiming as owners of the land concerned shall be deemed to have been given an opportunity of being heard as required under item (ii) if, within one week, before the inquiry, the Revenue Officer publishes a notice of his intention of inquiry by affixing a notice to some conspicuous part of the village/mauza in which the land affected is situated, and by affixing a notice to a conspicuous place in the office of the Gram Panchayat within whose jurisdiction the land affected is situated;(iv)that names of occupiers of land who have been given the status of a raiyat or a non-agricultural tenant, as the case may be, under the West Bengal Acquisition and Settlement of Homestead Land Act, 1969 (West Bengal Act XV of 1969) or the West Bengal Acquisition of Homestead Land for Agricultural Labourers, Artisans and Fishermen Act, 1975 (West Bengal Act XLVII of 1975) shall be recorded as such by the Revenue Officer subordinate to him by opening a Khatian for each of them; or(v)that names of transferor to whom land has been restored under the West Bengal Restoration of Alienated Land Act, 1973 (West Bengal Act No. 23 of 1973) shall be recorded in the record-of-rights by the Revenue Officer subordinate to him:][Substituted by Notification No. 1998-L-Ref. 20R-3/80, dated 2.5.1981.]Provided further that anything done or any action taken under clause 1 as amended by Notification Nos. 3290-L-Ref. dated the 9th September 1978, 1960-L. Ref., dated the 26th May, 1979 and 1592-L. Ref., dated the 30th July, 1980 shall be deemed to have been validly done or taken with effect from the respective dates when such clause had come into operation and that anything so done or any action so taken shall be deemed to have constituted an opportunity of being heard to each party entitled thereto.](vi)[that names of persons with whom lands have been settled under section 49 and who have been given pattas shall be recorded as raiyats by the Revenue Officer subordinate to him by opening a khatian for each of them.] [Clause (vi) was inserted by Notification No. 3252-L-Ref. 20-R-3/78, dated 7.12.1981, published in Calcutta Gazette, dated 16.12.1981.]

2. Traverse Survey.

The cadastral survey of any district or part of a district of which an order under sub-section (1) of section 51 for revision or preparation of record-of-rights has been made, shall be based upon a traverse survey, and such traverse survey shall ordinarily be carried out by theodolite observations.

3. Cadastral Survey.

(1) In the course of proceedings under sub-section (1) of section 51 a large-scale map showing roads, rivers, railways and other physical features of the country, as well as homesteads and other fields, shall be prepared for each village as adopted in the general land revenue survey which has been made in the State of West Bengal or in any survey made by the State Government by notification in the Official Gazette as defining villages in any specified are:Provided that for any specified area, whether previously notified as a village or not, the State Government may direct that the preparation of a map as aforesaid be dispensed with or that such map be prepared either by adopting any map or plan previously prepared by the Government or by any local authority or by any private party after such modification, if any, as may be considered necessary with a view to representing the existing state of affairs, for the purpose of the revision or preparation of the

record-of-rights under the Act.(2)When the area contained within the external boundaries of the village maps of the previous survey contemplated by sub-paragraph (1) is unsuitable as the unit of survey and record, the Settlement Officer shall, after ascertaining as far as possible the opinions of the raiyats concerned, submit his proposals for the determination of the area to be adopted as the unit of record any survey to the Board of Revenue through the controlling officers to whom he is subordinate. That unit shall, if sanctioned by the Board of Revenue, be adopted ' in framing the record-of-rights and shall be deemed to constitute a village when a notification adopting it as such has been issued in the Official Gazette by the State Government. The Board of Revenue shall submit a copy of its order in each case to the State Government for the issue of the notification.

4. Khanapuri.

At this and the two following stages the draft record-of rights shall be revised or prepared. The draft record shall consist of statements of rights which are hereinafter styled the Khatians. There shall ordinarily be a separate khatian for each person interested, or each group of persons jointly interested, in the land and each khatian shall show the rights and liabilities of each person or group of persons according to the particulars referred to in Rule 23. At this stage all such particulars shall be entered in the draft record-of-rights. At this stage there shall also be prepared a field index or khasra arranged according to the serial numbers of the fields in the villages. This field index shall not form part of the draft record-of-rights.

5. Bujharat.

When the areas of the fields have been extracted and entered in the draft record-of-rights, a copy of each khatian shall be made over by a Revenue Officer to the person or body or persons in whose name or names the khatian has been opened or to their representatives. Each khatian shall then be examined on the ground, with reference to the village map, by a Revenue Officer or such other person as may be authorised by him in this behalf and explained to the person or persons concerned on their representatives, if present. In this process the Revenue Officer or the authorised person shall make such corrections as are necessary in the map, in the draft records, and in the copies of the khatians which have been distributed, if they can be produced for this purpose. At this stage entries of the revenue and cesses which are payable according to the statement of the raiyat shall be made in the draft khatians of the raiyats and in such copies as are produced; but the other particulars which are omitted at the stage of khanapuri record writing shall be deferred until the stage of attestation.Explanation I. If the name of a bargadar or an occupier of land or a transferor, referred to in the second proviso to clause I, is recorded at a stage subsequent to Bujharat, a copy of each khatian shall be made over by the Revenue Officer to the person in whose name the khatian has been opened or to his representative.Explanation II. In the case of a bargadar, the Revenue Officer may, pending issue of a copy of the khatian, give a certificate to the .bargadar in such form as the State Government may prescribe:Provided that anything done or any action taken under Explanation I or Explanation II as incorporated by Notification No. 3290-L. Ref., dated the 9th September, 1978 and 1592-L Ref. dated the 30th July, 1980 shall be deemed to have been validly taken with effect from the 9th September, 1978.

6. Attestation.

(1) The attestation of each village shall be taken up at a convenient place in or near the village as far as possible. Before attestation begins the Revenue Officer may cause a plot to plot enquiry and survey, where necessary, for incorporating changes in maps previously prepared and for making a preliminary record of the names of possessors of each plot in operation where stages referred to in items (i) to (iv) of paragraph 1 have been omitted. A proclamation shall also be published before attestation begins in the village giving due notice to the raiyats and calling upon them to appear before the Revenue Officer on the date fixed, with relevant documents in support of their title and possession. The proclamation shall also specify that all persons who have derived or lost interest in any khatian should invariably be present at the time of attestation and that all changes which occurred in any holding since the last preparation of the finally published record-of-rights due to (a) inheritance, succession, transfer or otherwise; (b) amalgamations or subdivision of holdings; (c) new settlement; or (d) any other reasons; shall be brought to the notice of the Revenue Officer. As each person appears before him the Revenue Officer shall examine his khatian, read out all the entries, make corrections where required, and see that the khatian is complete in all particulars. Disputes regarding the ownership of land or the ownership of any interest in land, shall be decided by the Revenue Officer in a summary manner and on the basis of present possession. In the khatian of each raiyat or group of raiyats he shall enter, with his own hand, the special conditions and incidents (if any) of the tenancy and the revenue lawfully payable to the State Government. Where revision is being made of previously prepared record-of-rights and finally published under any law for the time being in force, no fresh entry regarding these details is necessary, if they are found to be correct on the basis of present and actual possession or possession during the period stated above. In each of the khatians attested the cesses lawfully payable to the State Government shall be recorded. The Revenue Officer shall then sign and date the office copy of the khatian. When the Revenue Officer has completed the attestation of all khatians of a village he shall draw up a formal proceeding to that effect. (2) If during the enquiry and survey referred to in sub-paragraph (1) it appears to the Revenue Officer that the area contained within the external boundaries of the village maps of the previous survey is unsuitable as the unit of survey and record, he shall, after ascertaining as far as possible the opinion of the raiyat concerned, submit his proposals for the determination of the area to be adopted as the unit of record and survey to the Board of Revenue through the Controlling Officers to whom he is subordinate. Thereafter the procedure laid down in sub-paragraph (2) of paragraph 3 shall apply mutatis mutandis. In causing the aforesaid enquiry and survey, the Revenue Officer may also incorporate in the last settlement maps the plans prepared by other departments of Government as well as by private parties after such check as he considers necessary with a view to representing the existing state of affairs.

7. Allotment of separate plot number.

Where the land has been partitioned, the Revenue Officer may assign such separate plot numbers as may be needed for the purpose.

8. Draft publication, disposal of objections and final publication of the record-of-rights.

(1) Draft publication of the record-of-rights, disposal of objections and the final publication of the record-of-rights shall be made in the manner provided by rules 24 and 25.(2)When a record-of-rights is placed for final publication a certificate in the following form shall be attached to the first volume of record-of-rights of each village.

9. [Amalgamation of khatians of a raiyat prepared separately in respect of his lands in a mauza used for agricultural purposes or as homestead and in respect of his other land in the said mauza not used for the said purposes.

(1) If a raiyat holds in a mauza land used for agricultural purposes or as homestead and also other land not used for the said purposes, and if two separate khatians have been prepared in respect of his land used for agricultural purposes or as homestead and in respect of his other land not used for the said purposes, the said khatians may be amalgamated by the Revenue Officer into one khatian at any stage before final publication of the said khatians under sub-section (2) of section 51A, so that all the lands held by the raiyat in the mauza for different purposes are included in a single khatian.

(2)Khatians of a mauza which have been finally published under sub-section (2) of section 51A, may be amalgamated in the same manner as mentioned in sub-paragraph (1), provided a general notice is issued by the Revenue Officer at least thirty days before such amalgamation is done informing all the raiyats of the mauza of the intended amalgamation of khatians of each raiyat prepared separately in respect of his land used for agricultural purposes and as homestead and in respect of his other land not used for the said purposes. The notice shall be displayed in a conspicuous place of the mauza, khatians in respect of which will be amalgamated, and also in the office of the Revenue Officer wherefrom the khatians were finally published and in the office of the local Gram Panchayat.(3)No revision, alteration, modification or correction of any entry in any khatians relating to right, title and interest in land or relating to the area, character and classification of land, or relating to possession or mode or cultivation of land, shall be made at the time of amalgamation of the said khatians in the manner mentioned in sub-paragraph (2).] [Inserted by notification No. 416-L-Ref., 13,6,1988, published in Calcutta Gazette, dated 15.7.7.1988.]Certificate of final publicationVillage:Thana:District:

.....Volume:.....Pages:.....

that the record-of-rights of the interests as contained in the pages noted above is finally framed and published under sub-section (2) of section 51A of the West Bengal Land Reforms Act, 1955 (West Bengal Act No. 10 of 1956) on this day of.....20.....Dated.....Revenue OfficerThe certificate shall be sealed with the seal of the Settlement Officer. Each page of the final record shall be stamped with a seal in the following form:Record-of-rights finally framed and finally

published under sub-section (2) of section 51A of the West Bengal Land Reforms Act, 1955 (West Bengal Act No. 10 of 1956).

B

Powers of Officers making surveys and revising or preparing record-of-rights

1. When a Revenue Officer is appointed for the purpose of revising or preparing record-of-rights under section 51 in respect of any district or part of a district, he shall be appointed either with or without the additional designation of "Settlement Officer" or "Assistant Settlement Officer".

2. (i) A Revenue Officer appointed with the additional designation of "Settlement Officer" may, by general or special order, make over for disposal to any Assistant Settlement Officer subordinate to him objections under sub-section (1) and application under sub-section (4) of section 51A.

(ii) A Revenue Officer appointed with the additional designation of "Settlement Officer" may also withdraw from the file of any Assistant Settlement Officer subordinate to him any of the proceedings mentioned in clause (i) and may dispose of them himself, or transfer them for disposal to any other Assistant Settlement Officer subordinate to him.

3. In respect of all operations under section 51 of the Act which will be placed under the administrative control of the Director of Land Records and Surveys that officer is hereby appointed to discharge all the functions of a Revenue Officer under the said section and is vested with all the powers of a Settlement Officer under this Schedule.

4.

(1) Except where otherwise provided for by the Act or by these rules, all proceedings and orders of Revenue Officer, passed in the discharge of any duty imposed upon them by or under the Act shall be subject to the supervision and control of the State Government; and the proceedings and orders of each Revenue Officer under the Act shall be subject to the supervision and control of the Revenue Officer to whom he may be declared by the State Government to be, for the purposes of the Act, subordinate. (2) The State Government may, by general or special order, cancel any proceeding including the proceedings for draft publication or final publication, of the record-of-rights in any district or a part of a district in respect of all interests or a category of interests if in its opinion such action is necessary for carrying out the purposes of the Act and direct such proceeding to be carried out de novo: Provided that notwithstanding anything hereinbefore contained, if in any case a record-of-rights finally framed and finally published under sub-section (2) of section 51A becomes worn out or otherwise unfit for use, the Revenue Officer, after recording the reasons therefor, shall

reconstruct such record-of rights by preparing copies therefrom. When the record-of-rights has been so reconstructed the Revenue Officer shall certify it to be a true copy of the said finally framed and finally published record-of-rights and such copy shall then be treated as the record-of-rights finally framed and finally published under sub-section (2) of section 51A. Form a1 (See Rule 3A) Application for permit for quarrying sand or for digging of earth and clay for the manufacture of bricks and tiles To: The District Land and Land Reforms Officer (Through the Block Land and Land Reforms Officer) Sir, I have the honour to apply for a permit for quarrying sand or for digging or using earth and clay for the manufacture of bricks and /or for commercial purpose/to allow Shri....., son of.....address.....to quarry sand or to dig or use earth and clay for the manufacture of bricks and /or tiles for commercial purpose. The particulars of the land with respect to which such permission is required are furnished below:

1. Name of mauza in which the land is situated with jurisdiction list No.....

2. Khatian No.....and plot No.....

3. Name of police station/district:

4. Class of land:

If agricultural land, whether double cropped or fit for double cropping :

5. Rent/Cess payable:

6. Area of the holding:

7. Area of the land and whether the entire area or part of it will be used for the manufacture of bricks and tiles/quarrying sand:

If part plot, specify the area and portion. Name of applicant.....Address.....Form b1 (See Rule 3B) Permit No.....year.....Name of the permit holder.....(raiyat) Address.....You are permitted, or permitted to allow Shri.....of.....to quarry sand/or to dig or use earth or clay from the land comprised in cadastral survey plot No.....in mauza.....jurisdiction list No.....police station.....district....., measuring.....hectare, for a period from.....to.....for the manufacture of bricks or tiles/quarrying sands for commercial purpose and subject to the terms and conditions laid down on the reverse. Signature of the Permit Issuing Authority Terms and condition (a) the raiyat shall not himself, or permit any person to quarry sand or dig or use any earth or clay from his land except under a lease granted under the Mines and Minerals (Regulation and Development) Act, 1957 (Act 67 of 1957); (b) the raiyat shall pay revenue and cess

regularly;(c)the raiyat shall not transfer the permit to any person;(d)the raiyat shall allow the District Land and Land Reforms Officer, the Sub-divisional Officer, the Sub-divisional Land and Land Reforms Officer, the Block Land and Land Reforms Officer or any other officer authorised by the District Land and Land Reforms Officer in this behalf, to enter upon the land for inspection;(e)for actual operation of quarrying or digging or using 3 metres clear margin for every 2.5 metres depth shall be kept from the outer boundary of the adjacent plot or plots and maintained throughout the operation or the sides of the quarry shall be terraced so as to form benches in a manner where the height of any bench shall not be more than the width of the bench and clear margin of 3 metres shall be kept and maintained from the outer boundary of the adjacent land;(f)the permit may be cancelled at any time for any breach of the conditions;(g)the raiyat shall be wholly responsible for any breach of the conditions by the person to whom permission may be given by him for carrying out the operation.

Form 1 Notice for showing cause under sub-section (2B) of section 4(See Rule 4)To.....(Name and address of the raiyat)Whereas it appears to me that you have dug/used..... /permitted.....to dig/use earth/clay of your holding particulars of which are given below for the manufacture of bricks/tiles for the purpose of....., or have quarried/permitted to quarry sand from your holding, without the previous permission in writing of the State Government/District Land and Land Reforms Officer authorised under sub-section (2A) of the said section/in contravention of the terms and conditions of the permission given in this behalf I do hereby call upon you to show cause on or before.....why action should not be taken against you under sub-section (2B) of section 4 of the West Bengal Land Reforms Act, 1955.Particulars of the holding

1. District, police station.....

2. Name of the village with jurisdiction list No.....

3. Khatian No.....and plot No.....

Prescribed authority[Form 1A [Inserted by Notification No. 4297-LR/IA-05/07 GE(M) dated 17th September, 2009, published in Calcutta Gazette, Extraordinary, dated 24.9.2009]Application for change of character, conversion or alteration in the mode of use of land[See sub-rule (1) of rule 5A]From:.....[State Name and Address of the applicant(s)]To : The District Land and Land Reforms Officer/Sub-divisional Land and Land Reforms Officer/Block Land and Land Reforms Officer.Sub: Application for permission for change of character, conversion or alteration in the mode of use of land.Sir,I/We have the honour to apply for permission for change of character, conversion or alteration in the mode of use of the land/land having water body for the purpose of

2. The particulars of the land/land having water body with respect to which such permission is required are furnished below:

- (1) Name of the District :
- (2) Name of the Block :

- (3) Name of the Police Station :
- (4) Name of the Mouza :
- (5) Jurisdiction List No. :
- (6) Khatian No. (R.S. And L.R.) :
- (7) Plot No. (R.S and L.R.) :
- (8) Area of the Plot (R.S and L.R.) :
- [If part Plot, specify the area and portion] :
- (9) Existing Classification of the plot :

3. The following documents, in duplicate, are enclosed with this application:

(1) Copy of mutation certificate or copy of current record-of-rights. (2) Copy of current rent receipt. (3) Sketch map showing the plot in question with side measurement and its surroundings including approach road (may not be to the scale). (4) Affidavit for creation of compensatory water body. (Applicable in cases where the application relates to change or conversion of the land having water body of any description or size). (5) Copy of no objection certificate of the West Bengal Pollution Control Board. (Applicable only in such cases wherever such certificate is required). (6) Copy of the Detailed Project Report (DPR) duly vetted by the Competent Authority. (Applicable only in cases where the application relates to change, conversion or alteration of land for industrial, commercial or housing complex).

4. I/We also declare and undertake

(1) That the land, in question shall be used strictly for the purpose for which such permission shall be granted; (2) That there is no bargadar, in the land, in question; (3) That no work shall be done on the land, in question that may lead to conversion of the same unless permission as sought for is granted; (4) That necessary approval or permission or licence shall be obtained from the appropriate authority as required for execution of the work on the land, in question as soon as permission for conversion as sought for is granted;

5. I/We further declare

(1) That the land, in question is under peaceful possession of myself/ourselves and it is free from all encumbrances; (2) That the land, in question is not involved in any proceeding for vesting under the provisions of any law; (3) That the land, in question is not involved in any court case which prohibits such conversion, change or alteration in the mode of use of the land.

6. I/We also declare and undertake that in case it is proved at any point of time that the documents furnished and the statements made here in above are not true and correct, I/we am/are liable for any legal action which will be taken by the competent authority in this regard including cancellation of order granting change of character, conversion or alteration in the mode of

use of land as sought for.

Encl: As stated above:Yours faithfullyPlace :Date : (Full signature of the applicant(s) with seal, if any)]Form 1BAffidavit[See sub-rule (2) of rule 5A]I/We do hereby solemnly affirm and declare as follows:(1)That I/we undertake to create such compensatory water body of equal or larger size of the water body which is sought to be changed, converted or altered.(2)That I/we undertake to create such compensatory water body on the land details of which are furnished below:

- (a) Name of the District :
- (b) Name of the Police Station :
- (c) Name of the Mouza :
- (d) Jurisdiction List No. :
- (e) Khatian No. (R.S. And L.R.) :
- (f) Plot No. (R.S and L.R.) :
- (g) Area of the Plot (R.S and L.R.) :
- [If part Plot, specify the area and portion] :
- (h) Existing Classification of the plot :

(3)That I/we undertake to create such compensatory water body on the land, in question within a period of 90 days from the date of issue of the order granting change, conversion or alteration of the water body as sought for.(4)That I/we undertake to maintain the water body as so created in proper and appropriate manner.(5)That I/we undertake to submit before the District Land and Land Reforms Officer the documents showing creation of compensatory water body within a period of 15 days after expiry of the stipulated period of 90 days for creation of such compensatory water body.(6)That I/we undertake that in case of failure to create such compensatory water *body within the stipulated period of 90 days I/we shall not raise any objection for cancellation of the order granting change, conversion or alteration of the water body for which permission is sought for.(7)I/We also undertake to restore the said water body at my/our own cost if already changed, converted or altered within a period of 90 days from the date of issue of direction by the District Land and Land Reforms Officer for such restoration.(8)I/We further undertake to pay restoration cost as and when the same may be asked for to pay by the District Land and Land Reforms Officer.Date:(Full signature of the applicant(s) with seal, if any)Identified by me.(Advocate).Form 2(See Rule 6)(Omitted by Notification No. 4332-L. Ref. /2A-58/70, dated 24.4.1971)Form 3Order under sub-section (1) of section 6(Omitted by Notification No. 4332,-L. Ref./2A-58/70, dated 24.4.1971)Form 4(See Rule.7)Notice under sub-section (1) of section 9 of application for transfer by co-sharer of a raiyat/contiguous tenantTo.....Village.....Post Office.....District.....Take notice that an application has been made by.....for transfer to him of the portion/share of the plot of land specified in the schedule on the reserve and that he has deposited the consideration money together with a further sum of ten per cent of that amount.You are hereby called upon to appear before me on or before and prove the consideration money paid for the transfer and other sums, if say, properly paid by you in respect of the lands including any sum paid for annulling encumbrances created prior to the date of transfer and rent or revenue, cesses or taxes for any period.Munsiff(Reverse)The Schedule

Column 1—	Name, father's/husband's name and residential address of the applicant/applicants.
Column 2—	Village, police station and district in which the land is situated.
Column 3—	Khatian No. and Plot, of the plot of land of which a portion or share was transferred with area of the portion or share transferred.
Column 4—	Nature of transfer.
Column 5—	Annual revenue payable for the portion or share of the plot of land.
Column 6—	Consideration money or value as set forth in the document of transfer or sale price in the case of sale in execution of decree or certificate or market value determined by Court in case of foreclosure of mortgage.
Column 7—	Remarks.

Form 5 Omitted. Form 6 (See Rule 10) Notice of partition of plot of land under sub-section (2) of section 14 To..... Take notice that the plot of land specified in the Schedule on the reverse has been partitioned among "co-sharers of raiyat in a plot of land" as specified in the said Schedule by an instrument registered on..... in the sub-registry office..... police station..... district..... Sub-Registrar. (Reverse) The Schedule

Column 1—	Village, police station and district in which the plot of land is situated.
Column 2—	Khatian No. and Plot No. and area of the plot of land.
Column 3—	Annual revenue of the plot of land.
Column 4—	Names, father's/husband's names and addresses of co-sharers of a raiyat.
Column 5—	Area allotted to each co-sharer of a raiyat according to the partition deed.
Column 6—	Revenue payable for each share.
Column 7—	Remarks.

[Form 6A [Form 6A was inserted by Notification No. 416-L-Ref. dated 13th June, 1988, published in Calcutta Gazette, dated 15.7.1988.](See rule 14BB) Requisition under sub-section (3) of section 14 of the West Bengal Land Reforms Act, 1955 To The Officer-in-charge,..... Police Station Dated..... Sir, I am to inform you that I/Shri....., duly authorised on my behalf, shall take possession of the vested lands, particulars of which are furnished below, on..... at..... a.m./p.m. Particulars of the vested lands

Police station	J.L. No.	Mouza	Plot No.	Area of the plot	Area vested
(1)	(2)	(3)	(4)	(5)	(6)

You are requested to render all necessary and lawful assistance for taking possession of the above-mentioned land on the date and time specified herein above. Yours faithfully, (Revenue

Officer).....]Form 7(See Rule 12)Application for redemption of usufructuary mortgage under sub-section (4) of section 14CToThe Revenue Officer, of.....The application of....., son/wife of.....resident of.....for redemption of usufructuary mortgage particulars in respect of which are given below :

1. Name and address of the mortgagee.....

.....

2. Date of execution of the mortgage deed.....

3. The period of the mortgage.....

4. The period which has expired since the transfer of the land to the mortgagee.....

5. The amount of loan taken under the mortgage.....

6. Approximate money value of the annual produce from the land at the time of transfer.....

7. Particulars of the plot of land under mortgage

(a)Name of the village, police station and district.....(b)Khatian No. and Plot No. of the plot of land.....(c)Area of the plot of land.....I declare that to the best of my knowledge and belief the information given by me in the above statement is correct and complete.Signature of the Applicant/AgentForm 7A[See sub-rule (1) of Rule 14CReturn under sub-section(1) of section 14T

Part I

Name of the raiyat	Category (Adult unmarried person or sole surviving member of a family or any other raiyat, e.g., corporation, public institution, public trust, cooperativesociety, company, etc,	(particulars for determination of the ceilingarea) In the case of a raiyat having a family	In the case of a cooperative society, company, cooperative farming society, Hindu Undivided family or a firm

Age Address

Name of the head of the family and of all other members of the area		Relationship with the head of the family	Name and address of each member or partner		Area of land retained separately by each member or partner	
Irrigated other than Orchard irrigated						
(1)	(2)	(3)	(4)	(5)	(6)	(7)

Part II

(Particulars for determination of the extent of land which has vested in the State)

Name of the raiyat and in the case of raiyat having a family, names of all others raiyts, if any, in the family on behalf of whom the return is submitted		Description of the land which is proposed to be retained within the ceiling						
District	Police station	Mouza and J.L.No.	Khatian No.	Plot No.	Irrigated	Area other than irrigated	Orchard	
			Total					
Description of the land in excess of the ceiling area which vests in the state								
District police station								
Mouza and J.L.No.								
KhatianNo. Plot No.								
		Area						
Irrigated	Other than Irrigated	Orchard						
Particulars of the Land, if any, transferred during the period on and from the 8th August, 1969								

to the 17th February,
1971

Total	Area	To whom transferee with address of the transferee and date of transfer
Irrigated	Other than Irrigated	Orchard

I hereby declare that to the best of my knowledge and belief the information given by me in the above statement is correct, complete and truly stated. Dated : Signature of the raiyat submitting the return N.B.: When there are more raiyats than one in a family a consolidated return is to be submitted by the head of the family or by any other raiyat duly authorised in this behalf by all other raiyats in the family, and particulars and description of all agricultural lands other than tea garden lands but including homesteads owned or transferred by each such raiyat are to be shown separately in columns (2), (3), (4) in Part II of the return against the name of each such raiyat. [Form 7AA [Inserted by Notification No. 416-L, dated 13th June, 1988, Calcutta Gazette, dated, 15.7.1988.] Return containing the full description of (i) land owned or held by the raiyat or the intermediary, as the case may be, and also by other members of the family, of such raiyat or intermediary, if any, (ii) land proposed to be retained within the ceiling area prescribed under Chapter IIB of the West Bengal Land Reforms Act, 1955 (West Bengal Act No. 10 of 1956), (iii) land owned in excess of the ceiling area which vests in the State under the said Act, and (iv) land transferred by the raiyat or the intermediary and by other members of the family of such raiyat or intermediary, if any, since 8th day of August, 1969.

Part I

Particulars of the raiyat or the intermediary, as the case may be, who submits the return

	In the case of a raiyat or an intermediary, as the case may be having a family	In the case of a cooperative society, company, Hindu undivided family or a firm					
Name and address of the raiyat or the intermediary, as the case may be	Category (Adult, unmarried person or sole surviving member of a family, or a	Name of the head of the family and of all other members of the family	Relationship with the head of the family	Age	Address	Name and address of each member or partner	Area of land retained by separately by each

	cooperative society, public trust, corporation, company, firm, lessee of a tea garden, etc.)	who own or hold land					member or partner
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)

Part II

Description of the land by the raiyat or the intermediary, as the case may be, and by other members of the family, or such raiyat or intermediary, if any

Description of
the land owned
by each of the
persons
mentioned under
column (1)

Name of the
raiyat or
intermediary, as
the case of his
having a family,
names of all
other raiyats
and
intermediaries
in the family on
behalf of whom
the return is
submitted

having a family, names of all other raiyats and intermediaries in the family on behalf of whom the return is submitted	District	Police station	Mauza and J.L. No.	Khatian No.	Plot No.	Area of the plot owned	Classification of the land	Whether irrigated	mortgaged. If so, the date of the mortgage and the name of the name of the mortgagee
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)

Total of column (7):

Part III

(A) Description of the land which is proposed to be retained within the ceiling area

District	Police station	Mouza and J.L.No.	Khatian No.	Plot No.	Area of the plot to be retained	Classification the land	Whether irrigated
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)

Total of column (6):(B)Description of the land in excess of the ceiling area which vests in the State

District	Police station	Mouza and J.L.No.	Khatian No.	Plot No.	Area of the plot which vests	Classification the land	Whether irrigated
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)

Total of column (6):

Part IV

Description of the land, if any, transferred by the raiyat or the intermediary, as the case may be, and by each member of the family of such raiyat or intermediary, if any, since the 8th day of August, 1969

Name and address of the raiyat or the intermediary, as the case may be and to each member of the family of such raiyat or intermediary, if any who transferred the land

District	Police Station	Mouza and J.L. No.	Khatian No.	Plot No.	Area of the plot transferred	Date to transfer	Name and address of the transferee
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)

Note :(i)"intermediary" shall mean an intermediary referred to in section 3A of the Act.(ii)"Land" means land as defined in clause (7) of section 2 of the West Bengal Land (Signature of the raiyat or the intermediary, as the Reforms Act, 1955 (West Bengal Act No. 10 of 1956) including land to which section 3A case may be, who submits the return) of the said Act applies.(iii)"raiyat" includes an owner and lessee of land.(iv)land already vested in the State under any law for the time being in force shall not be shown against item (A) of Part-III of this return.I hereby declare that to the best of my knowledge and belief the information given by me in the above statement is correct, complete and truly stated.(Signature of the raiyat or the intermediary, as the case may be, who submits the return)Date.....Place.....]Form 7B(See Rule 15)\$ \$VERNACULAR

MATTER\$ \$[Form 7C [Form 7C substituted by Notification No. 3890-LP/1A-8/2012, dated 18.7.2012, w.e.f.][See sub-rule (1) of rule

14GG]From.....[State Name and Address of the applicant(s)]ToThe Secretary, Land and Land Reforms Department Kolkata 700 001West BengalSub : Application for permission to hold land by way of purchase or otherwise in excess of the ceiling limitSir,I/We have the honour to apply for permission to hold of an area of.....acres of land by way of purchase or otherwise which is in excess of the ceiling limit prescribed under section 14M of the Act for the purpose of establishing.....

2. The particulars of the land with respect to which such permission is sought for are furnished below:

- (i) Name of the District :
- (ii) Name of Block(s) :
- (iii) Name of the Police Station
- (iv) Name of the Mouza :
- (v) Jurisdiction List No. :
- (vi) Khatian No. (R.S. And L.R.) :
- (vii) Plot Nos. :
- (viii) Area of the Plot (R.S and L.R.) :
[If part Plot, specify the area and portion] :
- (ix) Existing Classification of the plot :

3. The following documents are enclosed with this application:

(i)A Detailed Project Report (DPR) duly examined, vetted and approved by the.....Department of the State Government;(ii)A sketch-map showing the project area with different categories of the plot of land on colour wash;(iii)A plan showing therein the proposed mode of use of different area within the project as per DPR.

4. I/We also declare and undertake

(i)that no land shall be acquired illegally and forcibly in any circumstances whatsoever;(ii)that the fair and reasonable price for land shall be paid to the land owners;(iii)that no coercive method shall be used in obtaining possession of land;(iv)that the land shall be utilized within three years of the date of permission for the purpose for which such permission shall be granted;(v)that the land shall be used strictly for the purpose for which such permission shall be granted;(vi)that the land shall not be left unused, either wholly or partly, at any point of time after granting such permission as sought for, for any reason whatsoever;(vii)that necessary approval or permission or licence shall be obtained from the appropriate authority as required for implementation of the project on the land as soon as order granting such permission as sought for is made;(viii)that the land shall be utilised within three years of the date of such permission as sought for and shall be leased out the whole or any part of it with the previous permission of appropriate Department of the State Government concerning the project under intimation to the Land and Land Reforms Department to such a person who will set up a unit thereon within the aforesaid period of three years as per objects of the respective projects as proved;(Applicable only in cases where the application relates to permission for the purpose of establishing an industrial park or industrial hub or industrial estate or financial hub or a biotech park or a food park).

5. I/We also declare and undertake

(i)that in case it is proved at any point of time that the document furnished and the statements made here in above are not true or correct, I/we shall be liable for cancellation of the order granting such permission as sought for;(ii)that I/we shall observe and perform all such acts and deeds as required to be done in compliance with the order under sub-rule (6) of rule 14GG granting the permission as sought for and also as per declaration and undertaking as so made within six months from the date of permission failing which I/we shall be liable for cancellation of the order granting such permission as sought for;(iii)that I/we shall submit a report about purchase of land in respect of which permission is sought for within a period of six months from the date of permission to the State Government in the Land and Land Reforms Department through the Collector of the district. Enclo : As stated above. Place : Date : Yours faithfully (Full signature of the Applicant(s) with seal, if any) [Form 7CC [Form 7CC Inserted by Notification No., 3890-LP/1A-8/2012, dated 18.7.2012, w.e.f. 18.7.2012.]] [See sub-rule (2) of rule 14GG] From.....[State Name and Address of the applicant(s)] To: The Secretary, Land and Land Reforms Department Kolkata 700 001 West Bengal Sub : Application for permission to hold land by way of purchase or otherwise in excess of the ceiling limit for expansion of the existing project Sir, I/We have the honour to apply for permission to hold of an area ofacres of land by way of purchase or otherwise which is in excess of the ceiling limit prescribed under section 14M of the Act for the purpose of expansion of.....

2. The particulars of the land of the existing project are furnished below:

- (i) Name of the District :
- (ii) Name of Block(s) :
- (iii) Name of the Police Station
- (iv) Name of the Mouza :
- (v) Jurisdiction List No. :
- (vi) Khatian No. (R.S. And L.R.) :
- (vii) Plot Nos. :
- (viii) Area of the Plot (R.S and L.R.) :
[If part Plot, specify the area and portion] :
- (ix) Existing Classification of the plot :

3. The particulars of the land with respect to which permission for expansion of the existing project is sought for are furnished below:

- (i) Name of the District :
- (ii) Name of Block(s) :
- (iii) Name of the Police Station
- (iv) Name of the Mouza :

- (v) Jurisdiction List No. :
- (vi) Khatian No. (R.S. And L.R.) :
- (vii) Plot Nos. :
- (viii) Area of the Plot (R.S and L.R.) :
- [If part Plot, specify the area and portion] :
- (ix) Existing Classification of the plot :

4. The following documents are enclosed with this application:

(i)necessary certificate from the appropriate authority that the existing project is running smoothly;(ii)copy of mutation certificate or copy of current record-of-rights, copy of conversion certificates and copy of current rent receipt in respect of the land comprised in the existing project.(iii)a sketch map showing the project area of the existing project with side measurement including approach road;(iv)copy of no objection certificate of the West Bengal Pollution Control Board in respect of the existing project;(v)copy of the order granting permission to hold land by way of purchase or otherwise in excess of the ceiling limit (applicable only in cases where the existing project involves land in excess of the ceiling limit);(vi)a Detailed Project Report (DPR) duly examined, vetted and approved by the.....Department of the State Government in respect of which permission is sought for;(vii)a sketch-map showing the project area with different categories of the plot of land on colour wash in respect of which permission is sought for;(viii)a plan showing therein the proposed mode of use of different area within the project as per DPR in respect of which permission is sought for.

5. I/We also declare and undertake

(i)that no portion of the land comprised in the existing project is used for any other purpose other than the purpose of that particular project in any manner whatsoever;(ii)that no portion of the land comprised in the existing project is left unused for any reason whatsoever;(iii)that the land for which permission is sought for shall not be acquired illegally and forcibly in any circumstances whatsoever;(iv)that the fair and reasonable price shall be paid to the land owners for the land for which permission is sought for;(v)that no coercive method shall be used in obtaining possession of the land for which permission is sought for;(vi)that the land shall be utilised within three years of the date of permission for the purpose for which such permission as sought for shall be granted;(vii)that the land shall be used strictly for the purpose for which such permission as sought for shall be granted;(viii)that the land shall not be left unused, either wholly or partly, at any point of time after granting such permission as sought for, for any reason whatsoever;(ix)that necessary approval or permission or licence shall be obtained from the appropriate authority as required for implementation of the project on the land as soon as order granting such permission as sought for is made;(x)that the land shall be utilised within three years of the date of such permission as sought for and shall be leased out the whole or any part of it with the previous permission of appropriate Department of the State Government concerning the project under intimation to the Land and Land Reforms Department to such a person who will set up a unit thereon within the aforesaid period of three years as per objects of the respective projects as approved;(Applicable only in cases where the application relates to permission for the purpose of future expansion of an industrial park or

industrial hub or industrial estate or financial hub or a biotech part or a food park).

6. I/We also declare and undertake

(i)that in case it is proved at any point of time that the documents furnished and the statements made here in above are not true or correct, I/we shall be liable for cancellation of the order granting such permission as sought for;(ii)that I/we shall observe and perform all such acts and deeds as required to be done in compliance with the order under sub-rule (6) of rule 14GG granting the permission as sought for and also as per declaration and undertaking as so made within six months from the date of permission failing which I/we shall be liable for cancellation of the order granting such permission as sought for;(iii)that I/we shall submit a report about purchase of land in respect of which permission is sought for within a period of six months from the date of permission to the State Government in the Land and Land Reforms Department through the Collector of the district.Yours faithfully,Enclo : As stated above.Place :Date : (Full signature of the Applicant(s) with seal, if any)]Form 8(See rule 18)Receipt

District	Name of the Police station and touzi number	Name of the Block	Name of the Mauza and J.L. number	Khatian Number	Area	Name, father,s/husband,s name and address of theraiyat/lessee/licnese	By whom paid	Annual demand of the land held by a raiyat	Total
Revenue	Road Cess	P.W.Cess	Education Cess	R.E. Cess	Surcharge	License Fee	Damage Fee	Others	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
Revenue									
Road Cess									
P.W. Cess									
Education Cess									
R.E. Cess									
R.E. Surcharge									
Miscellaneous:-									
License Fee									
Damage Fee									
others									

Total of each item

Net amount paid

(in words).....

Signature of the collecting agent and date [Form 8A [Form 8A has been inserted by Notification No. 8416-L. Ref., dated 1.7.1968, published in Calcutta Gazette, dated 6.7.1968.] [See Rule 20(A)] Deed of Settlement This Indenture made this.....day of.....One Thousand Nine Hundred and.....between the Governor of The State of West Bengal hereinafter referred to as the 'Governor' (which expression shall include his successor in office and assigns) of the one part and....., son of.....of village....., Police station Sub division....., District.....hereinafter referred to as the raiyat' (which expression shall unless excluded by or repugnant to the context be deemed to include his heirs, executors, administrators, representatives and assigns) of the other part. Whereas the raiyat has approached the Government of West Bengal (hereinafter referred to as the 'Government') for granting and demising unto him the land referred to in the Schedule hereunder written as a raiyat under the West Bengal Land Reforms Act, 1955, for agricultural purposes. And whereas the Collector/Additional District Magistrate of the District of.....has been satisfied as to the eligibility of the said raiyat to have and to hold the said land mentioned and described in the Schedule hereunder written and the Government had decided to demise and grant unto the raiyat the said land subject to the terms and conditions is hereinafter expressed. Now This Indenture Witnesses the as follows:

1. That the Governor doth hereby grant and demise to and unto the said raiyat the lands mentioned and described in the Schedule hereunder written as from the first.....day of Baisakh.....B.S. to hold the same as a raiyat under the provisions of the West Bengal Land Reforms Act, 1955 or any statutory modification thereof and any rules framed thereunder for the time being in force subject to the payment of the revenue and the observance, performance and fulfilment of the terms, conditions and covenant herein contained on the part of the. raiyat hereinafter contained.

2. The raiyat to the intent that the obligation shall continue throughout the period of his holding the said lands as aforesaid hereby agrees and covenants with the Governor as follows:

(a) That the raiyat shall pay the revenue for the said land at the rate of Rs.....per annum. Provided Always that the said rate of revenue may be revised by the Government as may be permissible in law from time to time and in case of such revision the raiyat shall pay the said revenue so fixed on revision. (b) That besides the said revenue payable by the raiyat, the raiyat shall duly and punctually pay all cesses, taxes and other impositions as may be assessed to be payable in respect of the said lands or on the person in possession or occupation thereof. (c) That the raiyat shall diligently cultivate the said lands by his own labour or by the labour of the members of his family and shall not use the lands for any non-agricultural purpose. (d) That the raiyat shall duly observe, fulfil and perform all provisions of the said Act or any other law for the time being in force and

applicable to the tenancy hereby created and abide by all rules and regulations as may be applicable to the said lands or to the tenancy hereby created.

3. That the Governor doth hereby covenant with the raiyat that the raiyat observing, fulfilling and performing all the terms, obligations and covenants hereinbefore contained shall enjoy the said lands as a raiyat without any interruption by the Governor or the Governments or any Officer of the Government.

4. Provided Always and It Hereby Agreed that in case of breach on the part of the raiyat of any terms, conditions and covenants, hereinbefore contained, the Governor shall have the right and be entitled to take appropriate proceedings against the raiyat or take steps for the enforcement of the rights of the Government as provided in law for the time being in force.

The Schedule Above Referred To : * * * Lands comprised in C.S. Plot No.....Khatian No.....in mauza.....(J.L. No.....), P.S.....in the.....Sub-division of District.....measuring.....are (.....hectare) more or less and valued at Rs.....(Rupees.....) only. In Witness Where of the parties to these presents have hereunto set and subscribed their respective hands the day, month and year first above written. Signed for and on behalf of the Governor of the State of West Bengal by.....In the presence of.....Signed by the said.....(Raiyat) in the presence of.....] Form 8B [See Rule 21(2)] \$ \$ VERNACULAR MATTER \$ \$ Form 8C [See Rule 21(2)] \$ \$ VERNACULAR MATTER \$ \$ Form 9 [See Rule 24] (Obverse) Objection under sub-section (1) of section 51 A Objection No.....Seventy-five paise Village Name and No.....Court-Fee stamp

1. Name, father's name, and address of objector.

2. Name, father's name, and address of person against whose khatian objection is made.

3. Nos. of khatians under objection	4. Nos. of Plots, If any, under objection	5. Nature of objection e.g., status rent possession, etc,	6. Matter objected to with details of objection, And therelief sought	7. Signature of objector and date.
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Objection No.....Objection duly received and entered Village Name and No. Revenue Officer (Reverse) { | | - | Present on behalf of objector | Present on behalf of the other party | - | | - | Ground of decision and order | - | Order in Bengali | - | Correction in khatian under objection, accordanceto order | Correction in corollary khatians | } Forms 10 to 13 [Omitted by Notification 18720-L. Ref., dated 19th December, 1972, Calcutta Gazette, dated 20.12.1972] [Form 14 [Form 14 was inserted by Notification No. 416-L. Ref., dated] [See sub-rule (1) of Rule 14 E] Assessment Roll for determination

of the amount to be paid to a raiyat/intermediary for vesting of his khas lands and for vesting of rights and interests in other land under section 14S and section 3A. Assessment Roll

No.....Place of publication.....

1. Name and address of the raiyat/intermediary :

2. Father' s/Husband's name :

3. Calculation of the amount payable for vesting of khas land :

District	Police Station	Mouza with J.L.No.	Khatian No.	Plot No.	Total area of the plot	Area out of col.(6) that has been vested	Amount payable where revenue of the plot has been assessed	Amount payable where revenue has not been assessed	Date of vesting
1	2	3	4	5	6	7	8	9	10

4 The amount payable for vesting of khas land

[sum of the total of Col. 8 and 9 Total Rs.(Col.8) Total Rs.(Col.8)]

4. The amount payable for vesting of khas land :

[Sum of the total of Cols. 8 and 9.]

Total Rs.(col.8) Total Rs.(col.8)

5. Calculation of the amount payable for tenanted lands:

District	Police Station	Mouza with J.L.No.	Khatian No.	Plot No.	Total area of the plot	Area out of col.(6) that has been vested	Amount payable where revenue of the plot has been assessed	Amount payable where revenue has not been assessed
1	2	3	4	5	6	7	8	9

6. The amount payable for tenanted land:Rs.....

[Sum of the total of Cols. 8 and 9.].....Total Rs.(col.8) Total Rs. (col.9)

7. The total amount payable to the raiyat/intermediary (sum of the amount shown in paragraphs 4 and 6 above) :

(i)Rs..... a (in figures)(ii)Rs..... (in words)N.B. : Revenue per 0.4047 hectare will be same as revenue per acre, because 0.4047 hectare is equal to one acre.[Office Seal](Signature of the Revenue Officer)Place :.....Date :.....][Form 15 [Form 15 was inserted by

Notification No. 416-L.Ref., dated 13th June, 1988, published in Calcutta Gazette, dated 15.7.1988.][See sub-rule (3)(a) of Rule 14E]Notice of Publication of Assessment Roll in draftNo.....Dated.....To Shri.....Please take notice that the amount payable to you under section 14V of the West Bengal Land Reforms Act, 1955 (West Bengal Act No. 10 of 1956) in respect of your khas lands and your rights and interests, if any, in other lands which vested in the State under section.....of the said Act has been assessed by the undersigned in the Assessment Roll bearing No.....and it has been published in draft on.....A copy of the said Assessment Roll is sent herewith for information.

2. Objection, if any, against any entry or omission in the above mentioned Assessment Roll may be submitted in Form No. 16 to the undersigned within thirty days from the date of publication of the said Assessment Roll in draft.

3. Description of Assessment Roll (s), if any, already published under the West Bengal Land Reforms Act, 1955 (West Bengal Act No. 10 of 1956) in respect of any of your lands, or in respect of your rights and interests in lands, which vested in the State under the said Act, should be furnished to the undersigned.

Revenue OfficerAddress.....]Form 16[See clause (c) of sub-rule (3) of Rule 14E]Objection against any entry/entries and omission(s) in the Assessment Roll published in draft under clause (a) of sub-rule (3) of rule 14E.A. Statement of objector

1. Name, father's name and address of objector:

2. Particulars of Assessment Roll against which objection is made:

3. Matters objected to, details of objection and relief sought:

Signature of objector and date(To be filled up by the Revenue Officer)Objection No.....Village name and J.L.No.....Police station and district.....Objection received and entered.....(Revenue Officer)(For use of the Revenue Officer) B. Action taken by the Revenue Officer

1. Present on behalf of objector :

2. Grounds of decision and order :

(Order in Bengali)(Revenue Officer)

3. Assessment Rolls in which corrections made according to order

(Signature of the Revenue Officer in token of tamil)

4. (i) If any appeal has been filed against the above order of the Revenue Officer under clause (e) of sub-rule (3) of rule 14E.

(ii) If so, whether order made by the appellate authority has been tamilled in the Assessment Roll: (Signature of the Revenue Officer) [Form 17 [Form 17 was inserted by Notification 416-L.Ref., dated 13th June, 1988, published in Calcutta Gazette, dated 15.7.1988.]] [See clause (g) of sub-rule (3) of Rule 14] Notice of Publication of Final Assessment Roll No.....DatedTo Shri.....Please take notice that the Assessment Roll No.....which was published in draft on....., has been finally published on.....A copy of the said finally published Assessment Roll is enclosed for your information and necessary action. Payment of the amount determined in the above mentioned Assessment Roll, along with interest, if any, shall be made by the Collector,.....(Signature of Revenue Officer) Address.....]