

# **The West Bengal Requisitioned Land (Continuance of Powers) Act, 1951**

WEST BENGAL

India

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### **Act 8 of 1951**

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The West Bengal Requisitioned Land (Continuance of Powers) Act, 1951 West Bengal Act 8 of 1951 [29th March, 1951.] An Act to provide for the continuance of certain emergency powers in relation to requisitioned land. Whereas it is expedient to provide, in relation to land which, when the Defence of [India Act, 1939] [Act 35 of 1939 repealed by Act 2 of 1948 and the latter Act repealed by 35 of 1950.], expired, was subject to any requisition effected under rules made under that Act, for the continuance of certain powers therefore exercisable under the said Act or the said rules and thereafter exercisable under the Requisitioned Land (Continuance of Powers) Ordinance, 1946, or the Requisitioned Land (Continuance of Powers) Act, 1947; It is hereby enacted as follows :-

### **1. Short title, extent, commencement and duration.**

(1) This Act may be called the West Bengal Requisitioned Land (Continuance of Powers) Act, 1951. (2) It extends to the whole of West Bengal. (3) It shall come into force on the first day of April, 1951, and shall cease to have effect on the expiration of a period of [thirty-two] [Firstly, the words 'six years' Substituted for the words 'three years' by W.B. Act 10 of 1954; Secondly, words 'nine years' Substituted for the words 'six years' by W.B. Act 10 of 1957; Thirdly, words 'twelve years' Substituted for the words 'nine years' by W.B. Act 1 of 1960; Fourthly, words 'fifteen years' Substituted for the words 'twelve years' by W.B. Act 28 of 1962; Fifthly, words 'eighteen years' Substituted for the words 'fifteen years' by W.B. Act 5 of 1968; Sixthly, words 'twenty-one years' Substituted for the words 'eighteen years' by W.B. Act 4 of 1969; Seventhly, words 'twenty-three years' Substituted for the words 'twenty-one years' by W.B. Act 6 of 1973; Eighthly, words 'twenty-five years' Substituted for the words 'twenty-three years' by W.B. Act 15 of 1974; Ninthly, words 'twenty-eight years' Substituted for the words 'twenty-three years' by W.B. Act 13 of 1976 ; Tenthly, words 'twenty-nine years' Substituted for the words 'twenty-eight years' by West Bengal Act 66 of 1978; Eleventhly, words, 'thirty-years' substituted for the words 'twenty-nine years' by W.B. Act 13 of 1980;

Twelvethly, words 'thirty-one years' Substituted for the words 'thirty-years' by W.B. Act 10 of 1981 and at present words 'thirty-two years' Substituted for the words 'thirty-one years' by W.B. Act 14 of 1983.] from that date except as respects things done or omitted to be done before the expiration of such period and section 8 of the Bengal General Clauses Act, 1899, shall apply upon the expiry of this Act as if it had then been repealed by a West Bengal Act.

## **2. Definitions.**

- In this Act, unless there is anything repugnant in the subject to context, -(1)"the Act" means the Requisitioned Land (Continuance of Powers) Act, 1947;(2)"the Ordinance" means the Requisitioned Land (Continuance of Powers) Ordinance, 1946;(2a)[ "public purpose" does not include a purpose of the Union;] [Clause (2a) inserted by W.B. Act 10 of 1954.](3)"requisitioned land" means immovable property which, at the commencement of this Act, is subject to any requisition effected under the rules made under the Defence of India Act, 1939, and continued under the Ordinance and the Act and he is held under requisition [for any public purpose] [Words within square brackets Substituted for the words 'for any purpose other than the purposes of the Union' by W.B. Act 10 of 1954.],

**3. [ Continuance of requisitions. [Firstly, the words 'six years' Substituted for the words 'three years' by W.B. Act 10 of 1954; Secondly, words 'nine years' Substituted for the words 'six years' by W.B. Act 10 of 1957; Thirdly, words 'twelve years' Substituted for the words 'nine years' by W.B. Act 1 of 1960; Fourthly, words 'fifteen years' Substituted for the words 'twelve years' by W.B. Act 28 of 1962; Fifthly, words 'eighteen years' Substituted for the words 'fifteen years' by W.B. Act 5 of 1968; Sixthly, words 'twenty-one years' Substituted for the words 'eighteen years' by W.B. Act 4 of 1969; Seventhly, words 'twenty-three years' Substituted for the words 'twenty-one years' by W.B. Act 6 of 1973; Eighthly, words 'twenty-five years' Substituted for the words 'twenty-three years' by W.B. Act 15 of 1974; Ninthly, words 'twenty-eight years' Substituted for the words 'twenty-three years' by W.B. Act 13 of 1976 ; Tenthly, words 'twenty-nine years' Substituted for the words 'twenty-eight years' by West Bengal Act 66 of 1978; Eleventhly, words, 'thirty-years' substituted for the words 'twenty-nine years' by W.B. Act 13 of 1980; Twelvethly, words 'thirty-one years' Substituted for the words 'thirty-years' by W.B. Act 10 of 1981 and at present words 'thirty-two years' Substituted for the words 'thirty-one years' by W.B. Act 14 of 1983.]**

- Notwithstanding the expiration of the Defence of India Act, 1939,] and the rules made thereunder and the repeal of the Ordinance and the expiration of the period of operation of the Act in respect of requisitioned lands, all requisitioned lands shall continue to be subject to requisition until the expiry of this Act [and the State Government may use or deal with any requisitioned land for such public

purpose and in such manner as may appear to it to be expedient] [Words within square brackets Substituted for the words 'and the State Government may use or local with any requisitioned land in such manner as may appear to it to be expedient' by W.B. Act 10 of 1954.]:Provided that the State Government may at any time release from requisition any requisitioned land.

**4. [ Release from requisitions.] [Section 4 Substituted for the original by W.B. Act 10 of 1954.] - (1) When any requisitioned land is to be released from requisition, the State Government shall, after such inquiry as it deems necessary to make or to cause to be made, specify by order in writing the person to whom delivery of the land shall be made.**

(2)The delivery of possession of such land to the person specified in the order made under sub-section (1) shall be a full discharge of the State Government from all liability of the State Government for any claim for compensation or other claim in respect of such land for any period after the date of delivery but shall not prejudice any right in respect of such land which any other person may be entitled by due process of law to enforce against the person to whom possession of the land is so delivered.(3)Where the person specified in the order made under sub-section (1) cannot be found or is not readily traceable or has no agent or other person empowered to accept delivery on his behalf, the State Government shall publish in the Official Gazette a notice declaring that such land is released from requisition and shall cause a copy thereof to be affixed on some conspicuous part of such land.(4)When a notice referred to in sub-section (3) is published in the Official Gazette, the land specified in such notice shall cease to be subject to requisition on and from the date of such publication and shall be deemed to have been delivered to the person specified in the order made under sub-section (1); and the State Government shall not be liable for any compensation or other claim in respect of such land for any period after the said date.

**5. Power to acquire requisitioned land.**

(1)Subject to the provisions of sub-section (3), the State Government may, at any time when any requisitioned land continues to be subject to requisition under section 3, [acquire such land for a public purpose] [Words Substituted for the words 'acquire such land' by W.B. Act 10 of 1954.] by publishing in the Official Gazette a notice to the effect that such Government has [decided so to acquire] [Words Substituted for the words 'decided to acquire' by W.B. Act 10 of 1954.] such land in pursuance of this section:[Provided that before issuing such notice, the State Government shall call upon the owner of, or any person who, in the opinion of the State Government, may be interested in, such land to show cause why the land should not be so acquired; and after considering the cause, if any shown and after giving the parties an opportunity of being heard, the State Government may pass such orders as it deems fit.] [Proviso added by W.B. Act 10 of 1954.](2)When a notice as aforesaid is published in the Official Gazette, the requisitioned land shall, on and from the beginning of the day on which the notice is so published, vest absolutely in the State Government free from all encumbrances and the period of requisition of such land shall end.(3)No requisitioned land shall be acquired under this section except in the following circumstances, namely :-(a)where any works have during the period of requisition been constructed on, in or over the land wholly or partly at the

expense of Government and the State Government decides that the value of, or the right to use, such works should be preserved or secured for purposes of the State Government; or(b)where the cost of restoring the land to its determination of the State Government, be excessive having regard to the value of the land at that time [and the owner declines to accept release from requisition of the land without payment of compensation for so restoring the land] [Words within square brackets added by W.B. Act 10 of 1954.](4)Any decision or determination of the State Government under sub-section (3) shall be final, and shall not be called in question in any Court.(5)For the purposes of clause (a) of sub-section 3 "works" includes buildings, structures and improvements of every description.

## 6. Payment of compensation.

(1)[(slet)] [Clause (i) renumbered as clause (ii) and after that new clause (i) inserted by W.B. Act 4 of 1969.] In respect of the acquisition under this Act of any requisitioned land, the amount of compensation payable shall be the price which the requisitioned land would have fetched in the open market, if it had remained in the same condition as it was at the time of requisitioning and had been sold on the date of acquisition.(ii)[ Any immovable property which was subject to any requisition effected under the rules made under the Defence of India Act, 1939, but which was released from requisition at any time prior to the commencement of this Act shall, for the purpose of determination and payment of compensation for such requisition, be deemed to be requisitioned land within the meaning of this Act and any proceedings taken for determination and payment of compensation in respect of any such property shall be deemed to have been validly taken as if this Act had come into force on the date when such proceedings were taken.] [Clause (i) renumbered as clause (ii) and after that new clause (i) inserted by W.B. Act 4 of 1969.](2)[[ [Sub-Section (2) Substituted for the original by W.B. Act 10 of 1954.] [(i)] [Clause (i) renumbered as clause (ii) and after that new clause (i) inserted by W.B. Act 4 of 1969.] In respect of the acquisition under this Act of any requisitioned land, the amount of compensation payable shall be -(a)the price which the requisitioned land would have fetched in the open market, if it had remained in the same condition as it way at the time of requisitioning and had been sold on the date of acquisition, or(b)twice the price which the requisitioned land would have fetched in the open market if it had been sold on the date of requisition, whichever is less.(ii)[ Any immovable property which having been requisitioned under the rules made under the Defence of India Act, 1939, was acquired at any time before the commencement of this Act shall, for the purpose of determination and payment of compensation for such acquisition, be deemed to have been acquired under section 5 of this Act and any proceedings taken, at any time prior to the commencement of this Act for determination and payment of compensation in respect of any such property shall be deemed to have been validly taken as if this Act had come into force on the date when such proceedings were taken.] [Clause (i) renumbered as clause (ii) and after that new clause (i) inserted by W.B. Act 4 of 1969.](3)For the purposes of sub-section (1) all the provisions of the aforesaid section 19 and of the rules made thereunder, and for the purposes of subsection (2) such of those provisions as relate to matters of procedure, shall be deemed to be continuing in force.(4)[ Notwithstanding anything contained in sub-sections (1) and (3), the compensation referred to in clause (i) of sub-section (1), in respect of any requisitioned land shall, unless it is sooner released from requisition under section 4 or acquired under section 6, be revised with effect from the expiry of [seven years] [Sub-section (4) inserted by W.B. Act 13 of 1976.]

from the commencement of the West Bengal Requisitioned Land (Continuance of Powers) (Amendment) Act, 1976 and the amount of compensation be made equal to the rent which would have been payable for the use and occupation of the requisitioned land if it had been taken on lease on the date with effect from which the revision is made.]

## **7. Power to obtain information.**

(1)The State Government may, with a view to carrying out the purposes of sections 3 to 6, by order require any person to furnish to such authority as may be specified in the order such information in his possession relating to any requisitioned land as may be specified.(2)Every person required to furnish such information as is referred to in sub-section (1) shall be deemed to be legally bound to do so within the meaning of sections 176 and 177 of the Indian Penal Code.

## **8. Delegation of functions.**

- The State Government may, by order notified in The Official Gazette, direct that any power conferred or any duty imposed on it by this Act shall, in such circumstances and under such conditions, if any, as may be specified in the direction, be exercised or discharged by such officer as may be so specified.

## **9. Protection of action taken under the Act.**

(1)No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done in pursuance of this Act or any order made thereunder.(2)No suit or other legal proceeding shall lie against the State Government for any damage caused or likely to be caused by anything in good faith done or intended to be done in pursuance of this Act or any order made thereunder.

## **10. Savings.**

- On and from the first day of April, 1951, anything done or deemed to have been done in exercise of any power conferred by or under the Act shall be deemed to have been done in exercise of powers conferred by or under this Act, as if this Act had been in force when such thing was done.