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PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL
Land and Land Reforms Department
Land Policy Branch
NABANNA (6th Floor)
325, Sarat Chatterjee Road, Howrah-711 102.

MEMORANDUM

No. 756-LP/1A-03/14(Pt-II)

date : 25.02.2016.

It has been observed that often important infrastructure projects like food godowns, roads, bridges etc. are not fully commissioned for want of small parcels of land. To ensure the optimal utilization of public funds and early implementation of such projects, direct land purchase from land owners may become necessary.

2. The State Government has considered the immediate need of land for such projects.
3. Now, therefore, the Governor is hereby pleased to allow the various departments of the State Government and also the Central Government department(s) or its organization(s) based on merit of its project to go in for the direct purchase of land for public purpose mainly involving the early commissioning of infrastructure projects like roads, railways, bridges, food godowns, drinking water, flood protection works and other similar projects, as the Government may consider, in rural and/or urban areas through Zilla Parishad/Municipality/Municipal Corporation/ other Government bodies and parastatals, as the case may be, by adopting the following procedures :
 - (i) (a) The administrative department(s) will take concurrence of the Standing Committee on Industry, Infrastructure & Employment before going ahead with the purchase of land indicating its tentative location, quantum and financial involvement. In terms of Finance Department Memorandum No. 862-FB Dated 14/10/2015, the administrative department shall get the proposal vetted by the Finance Department before placing it for Cabinet approval.

- (b) The Central Government department or its organization i.e. the Requiring Body will take prior approval/ concurrence of the competent authority which shall be the concerned Ministry of the Government of

India. The relevant department in the State Government looking after the affairs of the concerned Requiring Body shall seek concurrence of the Standing Committee on Industry, Infrastructure and Employment prior to moving the proposal before the Purchase Committee. A representative of the RB shall be a member of the Purchase Committee.

- (ii) A 15-day local notice mentioning preference and details of land intended for purchase shall be given in the public offices and local newspaper(s) informing the prospective land owners and requesting them to submit application in plain paper indicating their intention to sell their lands.
- (iii) The department concerned will select the appropriate plot(s) of the land to be purchased as per suitability and other considerations from among the applications/offers received on the basis of the notice.
- (iv) The relevant administrative department will undertake land searching through the panel advocate(s) at the respective sub-registry office to guard against fraudulent transfer. Besides, the BL & LRO will verify the right and title of the selected lands within 14 days and shall furnish report in the enclosed format to the Purchase Committee.
- (v) Land would be purchased through the Zilla Parishad/Municipality/Municipal Corporation/ Parastatal as may be decided by the administrative department(s).
- (vi) Funds will be allotted to the Zilla Parishad/Municipality/ Municipal Corporation/Parastatal by the administrative department for payment to land owners and payment will be made to their bank accounts. An appropriate administrative cost will be given to Zilla Parishad/Corporation by the administrative department
- (vii) A committee of the following officials will finalize the price of land for the purchasing department :
 - a) District Magistrate of the district — Chairperson
 - b) DL & LRO — Member
 - c) Special LAO — Member
 - d) Two members from the concerned Panchayat Samity to be nominated by the Chairperson — Members
 - e) FC & CAO, Zilla Parishad — Member
 - f) Representative of administrative department/RB — Member
 - g) District Registrar — Member
 - h) Secretary Zilla Parishad — Member Secretary

In case of purchase of land for Municipal areas, the Chairman of Municipality will also be a Member of the Committee in place of the members of Panchayat Samities as in SI. (d).

(viii) For areas under Municipal Corporations the Purchase Committee will be as follows :

- a) District Magistrate — Chairperson
- b) Mayor — Member
- c) Municipal Commissioner / CEO, Corporation — Member
- d) DL & LRO/1st LA Collector — Member
- e) District Registrar — Member
- f) Special LAO — Member
- g) Two members from Ward Councillors to be nominated by the Chairperson - Members
- h) Chief Municipal Auditor, Corporation — Member
- i) Representative of administrative department/RB - Member
- j) Secretary, Corporation — Member Secretary

However, for purchase of land situated within the jurisdiction of Kolkata Municipal Corporation, the Secretary of the L&LR Department will act as Chairperson of the Committee.

- (ix) As regards the direct purchase of land by parasatals / development authorities like WBIDC, WBSIDC, WBIIDC, WBSEDCL, WBSETCL / Asansol Durgapur Development Authority (ADDA), Burdwan Development Authority (BDA), Digha Sankarpur Development Authority (DSDA), Haldia Development Authority (HDA), Siliguri Jalpaiguri Development Authority (SJDA), Sriniketan Santiniketan Development Authority (SSDA), New Town Kolkata Development Authority (NKDA) or any other such agency that qualifies to be parastatal/ development authority as per the statute, the administrative department shall obtain concurrence of the Standing Committee on Industry, Infrastructure and Employment as in Para 3(i)(a) and thereafter the Parastatal / Development Authority shall move the proposal before the Purchase Committee as in para (vii) and para (viii), as the case may be.
- (x) Value of buildings/structures, would be assessed by the Executive Engineer, PWD/Municipal Engineering Directorate/ District Engineer/Executive Engineer, Zilla Parishad or by such agency as the administrative department may decide.
- (xi) The base price of the land will be determined taking into account the assessed value of land or set forth value of land whichever is higher. Incentive on the price of land finally determined will be given to the land owner if land registration is done: (a) within 30 days - 50% (b) within 31 to 60 days - 10%, from the date of publication/ communication of land price to the landowners. For this purpose, individual land owner will be informed of the price of land in writing by the Member-Secretary of the Land Purchase Committee, for registration of sale deed.
- (xii) After the purchase of land from the land owners, land will be registered in the name of Zilla Parishad/ Municipality/Municipal Corporation/ Parastatal. Thereafter, Zilla Parishad/Municipality/ Municipal Corporation/ Parastatal, as the case may be, could formally transfer the land in favour of administrative department(s).
- (xiii) Care would be taken by the Zilla Parishad/ Municipality/Municipal Corporation/Parastatal to ensure that the entire transaction is fair and transparent and it is based on mutual consent. There shall be no element of coercion.
- (xiv) Stamp duty shall be exempted for such purchase of land by Zilla Parishad/ Municipality/ Municipal Corporation/ Parastatal and also for subsequent transfer to administrative department(s).
- (xv) The Panchayat and Rural Development Department will issue direction upon all the Zilla Parishads concerned to purchase land for other department(s) u/s. 212 of the West Bengal Panchayat Act, 1973.
- (xvi) The Municipal Affairs Department will issue direction upon all the Urban Local Bodies to purchase land for other department(s) u/s. 429B of the West Bengal Municipal Act, 1993.
- (xvii) In case, the aforesaid Purchase Committee fails to perform its functions within a reasonable time, the administrative department would be free to use any Corporation /Parastatal / Authority under its control to purchase the land on the same terms & conditions as prescribed above.

This has the concurrence of the Finance Department vide U.O. No. Group T/2015-2016/ 0822, dated 14.01.2016.

This memorandum is issued in partial modification of the memorandum No. 3145-LP/1A- 03/1 dated 24/11/2014 & Notification No. 971-LP/1A-03/14 dated 01/07/2015 and also in cancellation of Memorandum No. 3580-LP dated 31/12/2014.

By order of the Governor,

MANOJ PANT

L.R.C. & Principal Secretary to the Govt. of West Bengal.

FORMAT

District	Block		
Name of Gram Panchayat	Mouza	Plot No.	
Mention the total area of land			
Documents to be examined	Deed	ROR	If ROR is not available, Chain Deed to be examined
Distance from the nearest approach road to the plot of land			
Distance of the source of water from the proposed land (KM/Meter)			
How far is the proposed land from main road (KM/Meter)			
Whether the land gets water logged in the rainy season Yes/No			
Do the land gets flooded during rainy season? Yes/No			
Mention the type of land according to the slope up land/medium land/low land			
Whether title is clean and land is free from encumbrance			

(Representative of Administrative Department)

(BL & LRO)

Date :

Date :