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GOVERNMENT OF WEST BENGAL

LAW DEPARTMENT

Legislative

West Bengal Act XVI of 1960

THE WEST BENGAL ALIENATION OF LAND (REGULATION) ACT, 1960.

[*Passed by the West Bengal Legislature.*]

[Assent of the President was first published in the *Calcutta Gazette, Extraordinary*, of the 7th October, 1960.]

[7th October, 1960.]

An Act to regulate the alienation of land in certain cases.

WHEREAS it is expedient in the public interest to provide for the regulation of alienation of land in certain cases;

It is hereby enacted in the Eleventh Year of the Republic of India, by the Legislature of West Bengal, as follows:—

1. (1) This Act may be called the West Bengal Alienation of Land (Regulation) Act, 1960.

Short title,
extent and
applica-
tion.

(2) It extends to the whole of West Bengal.

(3) It shall apply in the first instance to the district of Darjeeling, but the State Government may, from time to time, by notification in the *Official Gazette*, apply it to such other area or areas as may be specified in such notification.

2. In this Act, unless there is anything repugnant in the subject or context,—

Defini-
tions.

(1) “alienation” in relation to any land means the transfer, by sale, mortgage, lease, exchange, gift, will or otherwise, of such land;

(2) “land” includes buildings or structures thereon and any right therein;

(3) “prescribed” means prescribed by rules made by the State Government under this Act.

3. The provisions of this Act shall have effect notwithstanding anything to the contrary contained in any other law for the time being in force or in any contract, express or implied, or in any instrument.

Act to
override
other laws,
etc.

2 *The West Bengal Alienation of Land (Regulation) Act, 1960.*

[West Ben. Act

(Sections 4—7.)

Restriction
on aliena-
tion.

4. No person shall, without the previous sanction of the State Government obtained in such manner as may be prescribed, make any alienation of any land in favour of any person when such person is—

- (1) an individual who is not a citizen of India, or
- (2) a body corporate or firm, of which the majority of the directors, shareholders or partners, as the case may be, are not citizens of India, or which is formed and registered outside India.

With-
holding of
sanction.

5. The sanction referred to in section 4 may be withheld if—

- (1) the transferee is, in the opinion of the State Government, unsuitable, or
- (2) the area proposed to be alienated exceeds such limit as may be prescribed having regard to the availability of land in the locality for the use of the people of the locality, or
- (3) the proposed alienation is, in the opinion of the State Government, prejudicial to the public interest.

Conse-
quences of
alienation
in contra-
vention of
section 4.

6. (1) Any alienation of any land made in contravention of the provisions of section 4 shall be void and of no effect and the land so alienated shall vest in the State Government from the date of alienation free from all incumbrances.

(2) The Collector may, after giving the parties an opportunity of being heard, by order,—

- (a) direct any person in whose possession or control any land or part of land vested in the State Government under sub-section (1) may be to deliver possession thereof to the State Government,
- (b) impose on the transferor a penalty which may amount to double the consideration for which such land was alienated, and
- (c) if, in the opinion of the Collector, there are circumstances justifying a refund of the consideration, if any, paid by the transferee in respect of such land, allow the transferee such refund.

(3) The penalty imposed under clause (b) of sub-section (2) shall be recoverable as an arrear of land revenue payable to the Collector.

Delivery of
possession
of land to
State
Govern-
ment and
penalty.

7. (1) On the issue by the Collector of an order under clause (a) of sub-section (2) of section 6 directing the delivery of possession of any land or part of land to the State Government, any person in whose possession or control such land or part may be shall forthwith deliver possession thereof to the State Government.

XVI of 1960.]

(Sections 8—10.)

(2) If any person refuses or fails to comply with the provisions of sub-section (1), the Collector shall,—

(a) if he is a Magistrate, enforce the delivery to the State Government of possession of the land or part of land in respect of which such refusal has been made or failure has been committed, or

(b) if he is not a Magistrate, apply to a Magistrate or, within the town of Calcutta as defined in section 3 of the Calcutta Police Act, 1866, to the Commissioner of Police, and such Magistrate or Commissioner, as the case may be, shall enforce the delivery to the State Government of possession of such land or part of land.

(3) Whoever refuses or wilfully obstructs the delivery to the State Government of possession of any land or part of land, delivery of possession whereof to the State Government has been directed by the Collector by an order under clause (a) of sub-section (2) of section 6, shall, on conviction before a Magistrate, be punishable, without prejudice to any other penalty to which he may be liable under any other law for the time being in force, with fine which may extend to two thousand rupees.

8. Any land vested in the State Government under sub-section (1) of section 6 shall be dealt with and disposed of by the State Government in such manner as may be prescribed.

Disposal of land vested in State Government under section 6(1).

9. The State Government may, by notification in the *Official Gazette*, direct that the powers exercisable by it under this Act shall, in such circumstances and under such conditions, if any, as may be specified in the notification, be exercisable also by an officer subordinate to it.

Delegation of powers.

10. No suit or other legal proceeding shall lie against the State Government, any officer subordinate to it or any other person for any damage caused or likely to be caused or any injury suffered or likely to be suffered by virtue of any provision of this Act or for anything in good faith done or intended to be done in pursuance of this Act or any rule or order made thereunder.

Indemnity.

[West Ben. Act XVI of 1960.]

(Sections 11—13.)

Orders
under the
Act not to
be
impugned.

11. No order made under this Act shall be called in question in any civil or criminal court.

Power to
make
rules.

12. (1) The State Government may make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for any matter which is required to be or may be prescribed under this Act.

Repeal and
savings.

13. (1) The West Bengal Alienation of Land (Regulation) Ordinance, 1960, is hereby repealed.

West Ben.
Ord. VII
of 1960.

(2) Notwithstanding such repeal or notwithstanding the said Ordinance having ceased to operate before such repeal, anything done or any action taken under the West Bengal Alienation of Land (Regulation) Ordinance, 1960 shall be deemed to have been validly done or taken under this Act as if this Act had commenced on the 20th day of June, 1960.