

**WEST BENGAL LAND (REQUISITION AND ACQUISITION)
ACT, 1948**

2 of 1948

[11th March, 1948]

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**WEST BENGAL LAND (REQUISITION AND ACQUISITION)
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An Act to provide for the requisition and speedy acquisition of land for certain purposes. WHEREAS it is expedient to provide for the requisition and speedy acquisition of land for the purposes of maintaining supplies and services essential to the life of the community, increasing employment opportunities for the people by establishing commercial estates and industrial estates in different areas, providing proper facilities for transport, communication, irrigation or drainage and creating better living conditions in urban

or rural areas by the construction or reconstruction of dwelling places in such areas or for purposes connected therewith and incidental thereto; It is hereby enacted as follows

1. Short title, extent, commencement and duration. :-

(1) This Act may be called the West Bengal Land (Requisition and Acquisition) Act, 1948.

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

(3) It shall come into force at once.

1(4) It shall remain in force until the **2** [31st day of March, 1997.]

1. Words, figures and letters first subs, in this sub-sec, by W.B. Act 7 of 1951, W.B. Act 8 of 1954, W.B. Act 12 of 1957, W.B. Act 7 of 1962, W.B. Act 3 of 1967 and W.B. Act 7 of 1972, then sub-sec (4) subs, by W.B. Act 15 of 1977, w.e.f. 1.4.1977.

2. Words, figures and letters subs, here by W.B. Act 69 of 1978, W.B. Act 41 of 1983, W.B. Act 4 of 1989, and finally the words, figures and letters within third brackets subs, for the words, figure and letters "31st day of March, 1994," by W.B. Act 14 of 1994.

2. Definitions. :-

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

1(1a) "Calcutta" means Calcutta as defined in the Calcutta Municipal Act, 1951;

2(a) "Collector" **3**[means, in Calcutta, the First Land Acquisition Collector, Calcutta, and elsewhere, the Collector of a district], and includes a Deputy Commissioner and any officer specially appointed by the State Government to perform the functions of a Collector under this Act;

(b) "Court" means a principal Civil Court of original jurisdiction, and includes the Court of any Additional Judge, Subordinate Judge or Munsif whom the **4**[State] Government may appoint, by name or by virtue of his office, to perform, concurrently with any such principal Civil Court, all or any of the functions of the Court under this Act within any specified local limits and, in the case of a Munsif, up to the limits of the pecuniary jurisdiction with which he is vested under section 19 of the Bengal, Agra and Assam Civil Courts Act, 1887; **5*** *

6(1b1) "incumbrance", in relation to any land, includes all rights or in terests of whatever nature belonging to any tenant, licensee or trespasser or any other person;

7(b1) the expression "land" includes benefits to arise out of land, and things attached to the earth or permanently fastened to anything attached to the earth and also includes any incumbrance in relatioin to such land;

8(b 2) the expression 'person interested' includes all persons claiming an interest in compensation to be paid on account of the requisition or acquisition of land under this Act; and a person shall be deemed to be interested in land if he is interested in an easement affecting the land; and

(c) "prescribed" means prescribed by rules made under this Act. **9**

1. Clause (1a) ins. by W.B. Act 7 of 1964.
2. Clause (a) subs, by W.B. Act 8 of 1954, which was earlier as under: (a) "Collector", "land" and "person interested" have the same meanings as in the Land Acquisition Act, 1894;
3. Words subs, for the words "means the Collector of a district" by W.B. Act 7 of 1964.
4. Word subs, for the word "Provincial" by the Adaptation of Laws Order, 1950.
5. Word "and" om. by W.B. Act 8 of 1954.
6. Clause (1b1) ins. by W.B. Act 10 of 1973.
7. Clause (b1) first ins. by W.B. Act 8 of 1954, then subs, by W.B. Act 10 of 1973. Previous clause (b1) was as under: "(b1) 'land' has the same meaning as in the Land Acquisition Act, 1894;"
8. Clause (b2) ins. by W.B. Act 8 of 1954.
9. Sec. 3 ora. by W. B. Act 14 of 1994, w.e.f. 1.4.1994, which was as under:-

3. Power to requisition :-

(1) If the State Government is of the opinion that it is necessary so to do for maintaining supplies and services essential to the life of the community or for increasing employment opportunities for the people by establishing commercial estates and industrial estates in different areas or for providing proper facilities for transport, communication, irrigation or drainage, or for the creation of better living conditions in rural or urban areas, not being an industrial or other area excluded by the State Government by a notification in this behalf, by the construction or reconstruction of dwelling places

in such areas or for purposes connected therewith or incidental thereto, the State Government may, by order in writing, requisition any land and may make such further orders as appear to it to be necessary or expedient in connection with the-requisitioning: Provided that no land used for the purpose of religious worship or used by an educational or charitable institution shall be requisitioned under this section.

(1A) A Collector of a district, an Additional District Magistrate or the First Land Acquisition Collector, Calcutta when authorised by the State Government in this behalf, may exercise within his jurisdiction the powers conferred by sub-section (1).

(2) An order under sub-section (1) shall be served in the prescribed manner on the owner of the land and where the order relates to land in occupation of an occupier, not being the owner of the land, also on such occupier.

(3) If any person fails to comply with an order made under sub-section (1), the Collector or any person authorised by him in writing in this behalf shall execute the order in such manner as he considers expedient and may,

(a) if he is a Magistrate, enforce the delivery of possession of the land in respect of which the order has been made to himself, or

(b) if he is not a Magistrate, apply to a Magistrate or, in Calcutta as defined in clause (11) of section 5 of the Calcutta Municipal Act, 1951, to the Commissioner of Police, and such Magistrate or Commissioner, as the case may be, shall enforce the delivery of possession of such land to him."

4. Acquisition of land. :-

1(1) Where any land has been requisitioned under section 3, the State Government may use or deal with such land for any of the purposes referred to in sub-section (1) of section 3 as may appear to it to be expedient. **2**(1a) The State Government may acquire any land requisitioned under section 3 by publishing a notice in the Official Gazette that such land is required for a public purpose referred to in sub-section (1) of section 3,

(2) Where 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 **3** [Statej

Government free from all incumbrances and the period of requisition of such land shall end.

1. Sub-sec. (1) subs, by W.B. Act 8 of 1954. which was earlier as under:- "(1) Where any land has been requisitioned under section 3, the Provincial Government may use or deal with it in such manner as may appear to it to be expedient and may acquire such land by publishing in the Official Gazette, a notice to the effect that the Provincial Government has decided to acquire such land in pursuance of this section."

2. Clause (la) ins. by W.B. Act 8 of 1954.

3. Word subs, for the word "Provincial" by the Adaptation of Laws Order 1950.

5. Notice to persons interested. :-

(1) After the publication of a notice under ¹[sub-section (la) of section 4], the Collector shall cause public notice to be given at convenient places on or near the land ²[acquired], stating that the ³[State] Government has acquired the land, and that claims to compensation for all interests in such land may be made to him.

(2) ⁴ [Such public notice] shall state the particulars of the land so acquired, and shall require all persons interested in the land to appear personally or by agent before the Collector at a time and place therein mentioned (such time not being earlier than fifteen days after the date of publication of the notice), and to state the nature of their respective interests in the land and the amount and particulars of their claims to compensation for such interests. The Collector may in any case require such statement to be made in writing and signed by the party or his agent.

(3) The Collector shall also serve notice in the manner prescribed on the occupier (if any) of such land and on all such persons known or believed to be interested therein, or to be entitled to act for persons so interested, as reside or have agents authorised to receive service on their behalf, within the revenue district in which the land is situate.

(4) In case any person so interested resides elsewhere, and has no such agent, the notice shall be sent to him by registered post in a letter addressed to him at his last known residence, address or place of business.

1. Words, figures, letter and brackets subs, for the words, figures and brackets "sub-section (1) of section 4" by W.B. Act 8 of 1954.

2. Word subs, for the words "to be taken" by W.B. Act 8 of 1954.

3. Word subs, for the word "Provincial" by the Adaptation of Laws Order 1950.

4. Words subs, for the words "Such notice" by W.B. act 8 of 1954.

5A. Exclusion of mines, etc. :-

¹ In making an order under sub-section (1) of section 3 or in publishing a notice under sub-section (1a) of section 4, the State Government may mention in the order or the notice that mines of coal, iron-stone, slate or other minerals lying under the land or any particular portion of the land are not needed and thereupon reference to the land shall be construed as excluding such mines or minerals.

1. Sec. 5A ins. by W.B. Act 25 of 1956.

6. Release from requisition. :-

(1) Where any land requisitioned under section 3 is not acquired and is to be released from requisition, the ¹[State] Government may, after making such inquiry, if any, as it considers necessary, specify by order in writing the person who appears to it to be entitled to the possession of such land.

(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 any liability of the ¹[State] Government ³[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 ⁴[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 ¹[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 ⁶[specified in the order made under sub-section (1)]; and the ¹ [State]

Government shall not be liable for any compensation or other claims in respect of such land for any period after the said date.

1. Word subs, for the word "Provincial" by the Adaptation of Laws Order, 1950.

3. Words subs, for the words "to deliver possession to such person as may have rightful claim to possession thereof by W.B. Act 8 of 1954.

4. Words subs, for the words "to whom the possession of any land requisitioned under section 3 is to be delivered" by W.B. Act 8 of 1954.

6. Words subs, for the words "entitled to possession thereof by W.B. Act 8 of 1954.

7. Compensation :-

(1) Wherever any land is acquired under section 4 there shall be paid ¹[to every person interested] compensation the amount of which shall be determined by the Collector in the manner and in accordance with the principles set out ²[in sub-sections (1), (1A) and (2) of section 23] of the Land Acquisition Act, 1894 ³[, so far as they may be applicable]:

Provided that the market value referred to in clause first of sub-section (1) of section 23 of the said Act shall, in respect of any land acquired under this Act, be deemed to be the market value of such land on the (date of publication of the notice referred to in ⁴[sub-section (1a) of section 4). ⁵* * * * * ⁶* * * * *

(2) ⁷(a) When the compensation has been determined under sub-section (1) the Collector shall make an award in accordance with the principles set out in section 11 of the Land Acquisition Act, 1894, ⁸[and the amount referred to ⁹{in sub-sections (1), (1A) and (2) of section 23} of that Act shall also be included in the award]:

¹⁰Provided that interest at rate of ¹¹[nine per centum] per annum on the amount of compensation under the award from the date of the publication of the notice under sub-section (1a) of section 4 until payment shall be included in the amount payable under the award:

¹²Provided further that if such compensation or any part thereof is not paid or deposited within a period of one year from the date of publication of the notice under sub-section (1a) of section 4, interest at the rate of fifteen per centum per annum shall be payable from the date of expiry of the said period of one year on

the amount of compensation or part thereof which has not been paid or deposited before the date of such expiry.

13(aa)

(i) Such award shall be filed in the Collector's office and shall, except as hereinafter provided, be final and conclusive evidence, as between the Collector and the persons interested in the land, whether they have respectively appeared before the Collector or not, of the true area and value of the land, and the apportionment of the compensation among the persons interested;

(ii) the Collector shall give in the prescribed manner immediate notice of his award to such of the persons interested in the land as are not present personally or by their representatives when the award is made.

14(b) Upon an award being made under clause (a), the Collector shall proceed to make payment in accordance with the provisions of sections 31 to 33 of the Land Acquisition Act, 1894. so far as they may be applicable.

(3) Where any land is requisitioned under section 3, there shall be paid to every person interested **15**[compensation], in respect of

(a) the requisition of such land; and

(b) any damage done during the period of requisition to such land other than what may have been sustained by natural causes.

16 (4) The principle to be followed in determining compensation under sub-section (3) shall be as follows, namely.

(i) where the Collector and the person interested agree as to the compensation, the Collector shall make an award ordering payment of the agreed compensation;

(ii) where the person interested cannot be traced or does not appear before the Collector when called upon to be present for the purpose of the determination of the compensation, such amount shall be determined as compensation as appears reasonable to the

(iii) where there is any disagreement between the Collector and the person interested, the compensation payable shall be the amount determined by the Court on reference made by the Collector under clause (b) of sub-section (1) of section 8.

1. Words ins. by W.B. Act 8 of 1954.
2. Words, figures, letter and brackets subs, for the words, figures, and brackets "in sub-section (1) of section 23" by W.B. Act 25 of 1996.
3. Words ins. by W.B. Act 7 of 1951.
4. Words, figures, letter and brackets subs, for the words, figures and brackets "sub-section (1) of section 4" by W.B. Act 8 of 1954.
5. This proviso first ins. by W.B. Act 7 of 1964. then om. by W.B. Act 25 of 1996. The proviso was as under: "Provided further that, in respect of any land in Calcutta which, immediately before the 1st day of January, 1964, constituted a bustee as defined in clause (10) of section 5 of the Calcutta Municipal Act, 1951, the amount of compensation to be paid on account of acquisition to the persons interested shall be determined in the manner and in accordance with the principles set out in sub-section (1) of section 7 of the Calcutta Slum Clearance and Rehabilitation of Slum-dwellers Act, 1958, so far as they may be applicable."
6. Proviso om. by W.B. Act 8 of 1954. The proviso was as under: "Provided further that if such market value exceeds by any amount the market value of the land on the 31st day of December, 1946 on the assumption that the land had been at that date in the state in which it in fact was on the date of publication of the notice referred to in sub-section (1) of section 4, the amount of such excess shall not be taken into consideration."
7. Sub-sec. (2) renumbered as clause (a) and after such renumbering the proviso ins. by W.B. Act 8 of 1954.
8. Words, brackets and figures subs, for the words, brackets and figures "and no amount referred to in sub-section (2) of section 23 of that Act shall be included in the award" by W.B. Act 69 of 1978.
9. Words, figures and brackets subs, for the words, figures and brackets "in sub-section (2) of section 23" by W.B. Act 25 of 1996.
10. Sub-section (2) renumbered as clause (a) and after such renumbering the proviso ins, by W.B. Act 8 of 1954.
11. Words subs, for the words "six per centum" by W.B. Act 4 of 1989.
12. Proviso ins. by W.B. Act 4 of 1989.
13. Clause (aa) ins. by W.B. Act 12 of 1957.
14. Clause (b) ins. by W.B. Act 8 of 1954.
15. Word subs, for the words "such compensation as may be agreed upon in writing between such person and the Collector" by W.B. Act 8 of 1954.
16. Sub-sec. (4) ins. by W.B. Act 8 of 1954.

7A. Award by Collector. :-

¹ The Collector shall make an award under sub-section (2) of section 7 within a period of three years from the date of publication of the notice in the Official Gazette under sub-section (1a) of section 4 (hereinafter referred to as the said notice), and if such award is not made within the period as aforesaid, the said notice shall lapse:

Provided that in a case where the said notice has been published more than two years before the commencement of the West Bengal Land (Requisition and Acquisition) (Amendment) Act, 1994, the award shall be made within a period of one year from the date of commencement of that Act.

Explanation. In computing the period of three years or one year, as the case may be, under this section, the period during which any action or proceeding to be taken in pursuance of the said notice is stayed by an order of a Court having jurisdiction, shall be excluded.

1. Sec. 7 A ins. by W.B. Act 25 of 1996.

8. Reference to Court. :-

(1) The Collector shall in every case

(a) where ¹[any person interested being aggrieved by an award made under sub-section (2) of section 7 or clause (ii) of sub-section (4) of that section] makes an application requiring the matter to be referred to the Court; or

(b) where there is any disagreement with regard to the compensation payable under sub-section (3) of section 7 between the Collector ²[and any person interested in compensation,] refer the matter to the decision of the Court.

³(2) The provisions of sub-section (2) of section 18 and of sections 19 to 22 and of ⁴[sections 25 to 28A] of the Land Acquisition Act, 1894, and the principles set out in sub-section (1) and in clause (a) of sub-section (2) of

⁵ Explanation. The notice given under sub-clause (ii) of clause (aa) of sub-section (2) of section 7 shall be deemed to be the notice under subsection (2) of section 12 of the Land Acquisition Act, 1894 for the purposes of the proviso to section. 18 thereof.

1. Words, figures and brackets subs, for the words, figures and brackets "any person aggrieved by an award made under sub-section (2) of section 7" by W.B. Act 8 of 1954.

2. Words subs, for the words and figure "and the person to whom possession of any land is delivered under section 6," by W.B. Act 8 of 1954.

3. Sub-sec. (2) subs, by W.B. Act 8 of 1954, which was earlier as under: "(2) The provisions of the Land Acquisition Act, 1894, shall mutatis mutandis apply in respect of any reference made to the Court under sub-section(1)."

4. Words, figures and letter subs, for the words and figures "sections 25 to 28" by W.B. Act 4 of 1989.

5. Explanation ins. by W.B. Act 12 of 1957.

8A. Appeal :-

¹ The provisions of the Code of Civil Procedure, 1908 relating to appeals shall apply to an award made by the court on a reference under section 8 as if such award were an original decree passed by the court in exercise of its civil jurisdiction.

1. Sec. 8A ins. by W.B. Act 29 of 1962.

8B. On account payment of compensation in advance. :-

1

(1) Where the State Government requisitions any land under sub-section (1) of section 3 and decides to acquire it under sub-section (1a) of section 4, it may, notwithstanding anything contained in the foregoing provisions of this Act, immediately after taking possession of such requisitioned land

(i) make an estimate about the amount which is likely to be determined, under sub-section (1) of section 7, as compensation for acquisition of such land, and

(ii) make a summary inquiry about the person or persons interested in such land, and after taking such security as it may think fit and proper, make to such person or persons advance (on account) payment towards compensation up to eighty per centum of the aforesaid amount:

Provided that nothing in this section shall affect the liability of any person, who receives compensation in advance in the manner indicated above, to pay the same to the person lawfully entitled thereto.

(2) A Collector, when authorised, by the State Government in this behalf, may exercise within his jurisdiction the powers conferred by sub-section (1).

1. Sec. 8B ins. by W.B. Act 22 of 1974.

9. Power to enter upon land, etc. :-

The ¹[State] Government may, with a view to requisitioning any land or for the purpose of determination by the Collector of the amount of compensation payable under this Act, by order,

(a) require any person to furnish to such authority as may be

specified in the order such information in his possession relating to the ²[land] as may be specified;

3 * * * * *

(c) authorise any person to perform in respect of any land all or any of the functions referred to in sub-section (2) of section 4 of the Land Acquisition Act, 1894.

1. Word subs, for the word "Provincial" by the Adaptation of Laws Order. 1950.

2. Word subs, for the word 'property" by W.B. Act 8 of 1954.

3. Clause (b) om. by W.B. Act 8 of 1954, which was as under: "(b) direct that the owner or occupier of the land shall not dispose of it or alter it till the expiry of such period as may be specified in the order;".

10. Penalty :-

If any person contravenes any order made under this Act he shall be punishable with imprisonment for a term which may extend to one year or with fine which may extend to two thousand rupees or with both.

11. Saving :-

Save as otherwise expressly provided in this Act, no decision or order made in exercise of any power conferred by or under this Act shall be called in question in any Court.

12. Protection of action taken under this 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 ACL or any order made thereunder.

(2) Save as otherwise expressly provided in this Act, no suit or other legal proceeding shall lie against the ¹ [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.

1. Word subs, for the word "Provincial" by the Adaptation of Laws Older. 1950.

12A. No stamp duty to be paid for award or agreement and no fees to be paid for copies thereof. :-

¹ No award or agreement made under this Act shall be chargeable with stamp duty, and no person claiming under any such award""or

agreement shall be liable to pay any fee for a copy thereof.

1. Sec. 12A ins. by W.B. Act 8 of 1954.

13. Power to make rules :-

(1) The ¹ [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 powers, such rules may provide for all or any of the following matters. namely:

(a) the manner of service of orders on the owner or occupier of land referred to in sub-section (2) of section 3; and

(b) the manner of service of notice on the persons .referred to in subsection (3) of section 5.

1. Word subs, for the word "Provincial" by the Adaptation of Laws Older. 1950.