

West Bengal Act VIII of 1954

THE WEST BENGAL LAND (REQUISITION AND ACQUISITION) (AMENDMENT) ACT, 1954.

[Passed by the West Bengal Legislature.]

[Assent of the President was first published in the *Calcutta Gazette, Extraordinary*, of the 30th March, 1954.]

An Act to amend the West Bengal Land (Requisition and Acquisition) Act, 1948.

West Ben.
Act II of
1948.

WHEREAS it is expedient to amend the West Bengal Land (Requisition and Acquisition) Act, 1948, for the purposes and in the manner hereinafter appearing;

It is hereby enacted as follows:—

1. This Act may be called the West Bengal Land (Requisition and Acquisition) (Amendment) Act, 1954. Short title.

2. In sub-section (4) of section 1 of the West Bengal Land (Requisition and Acquisition) Act, 1948 (hereinafter referred to as the said Act), for the words, "the 31st day of March, 1954" the words, "the 31st day of March, 1957" shall be substituted. Amendment of section 1 of West Bengal Act II of 1948.

3. In section 2 of the said Act,—

(1) for clause (a), the following clause shall be substituted, namely:—

"(a) 'Collector' means 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;"

(2) in clause (b), the word "and" at the end shall be omitted;

(3) after clause (b), the following clauses shall be inserted, namely:—

"(b1) 'land' has the same meaning as in the Land Acquisition Act, 1894;

(b2) 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"

I of 1894.

The West Bengal Land (Requisition and Acquisition) (Amendment) Act, 1954.

[West Ben. Act

(Sections 4—6.)

Amend-
ment of
section 3.

4. In section 3 of the said Act,—

(1) in sub-section (2), for the words “of a tenant also on such tenant” the words “of an occupier, not being the owner of the land, also on such occupier” shall be substituted; and

(2) after sub-section (2), the following sub-section shall be added, namely:—

“(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.”.

West Ben.
Act
XXXIII of
1951.

Amend-
ment of
section 4.

5. In section 4 of the said Act,—

(1) for sub-section (1), the following sub-section shall be substituted, namely:—

“(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.”; and

(2) after sub-section (1), the following sub-section shall be inserted, namely:—

“(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.”.

Amend-
ment of
section 5.

6. In section 5 of the said Act,—

(1) in sub-section (1),—

(i) for the words “sub-section (1) of section 4”, the words “sub-section (1a) of section 4” shall be substituted; and

(ii) for the words “to be taken”, the word “acquired” shall be substituted; and

(2) in sub-section (2), for the words “Such notice”, the words “Such public notice” shall be substituted.

(Sections 7, 8.)

7. In section 6 of the said Act,—

Amend-
ment of
section 6.

(1) in sub-section (2), for the words “to deliver possession to such person as may have rightful claim to possession thereof” the words “for any claim for compensation or other claim in respect of such land for any period after the date of delivery” shall be substituted;

(2) in sub-section (3), for the words “to whom the possession of any land requisitioned under section 3 is to be delivered” the words “specified in the order made under sub-section (1)” shall be substituted; and

(3) in sub-section (4), for the words “entitled to possession thereof” the words “specified in the order made under sub-section (1)” shall be substituted.

8. In section 7 of the said Act,—

Amend-
ment of
section 7.

(1) in sub-section (1), after the word “paid”, the words “to every person interested” shall be inserted;

(2) in the first proviso to sub-section (1), for the words “sub-section (1) of section 4” the words “sub-section (1a) of section 4” shall be substituted;

(3) the second proviso to sub-section (1) shall be omitted;

(4) sub-section (2) shall be renumbered as clause (a) of sub-section (2) and—

(i) to that clause as so renumbered the following proviso shall be added, namely:—

“Provided that interest at the rate of six *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.”; and

(ii) after that clause as so renumbered after the proviso added thereto, the following clause shall be inserted, namely:—

“(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.”;

(5) in sub-section (3), for the words “such compensation as may be agreed upon in writing between such person and the Collector” the word “compensation” shall be substituted; and

(Section 9.)

(6) after sub-section (3), the following sub-section shall be added, namely:—

“(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 Collector having regard to the facts and circumstances of the case and the Collector shall make an award ordering payment of the compensation so determined;

(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.”.

Amend-
ment of
section 8.

9. In section 8 of the said Act,—

(1) in sub-section (1),—

(i) in clause (a) for the words “any person aggrieved by an award made under sub-section (2) of section 7” the words “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” shall be substituted; and

(ii) in clause (b), for the words “and the person to whom possession of any land is delivered under section 6,” the words “and any person interested in compensation,” shall be substituted; and

(2) for sub-section (2), the following sub-section shall be substituted, namely:—

“(2) The provisions of sub-section (2) of section 18 and of sections 19 to 22 and of sections 25 to 28 of the Land Acquisition Act, 1894, and the principles set out in sub-section (1) and in clause (a) of sub-section (2) of section 7 of this Act, shall, so far as they may be applicable, apply in respect of any reference made to the Court under sub-section (1).”.

VIII of 1954.]

(Sections 10, 11.)

10. In section 9 of the said Act,—

(1) in clause (a), for the word “property” the word “land” shall be substituted; and

Amend-
ment of
section 9.

(2) clause (b) shall be omitted.

11. After section 12 of the said Act, the following section shall be inserted, namely:—

Insertion
of new sec-
tion 12A.

12A. 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.”.