

WEST BENGAL PUBLIC LAND (EVICTION OF UNAUTHORISED OCCUPANTS) ACT, 1962

Vest, Ben. 1 if 1951, GOVERNMENT OF WEST BENGAL LAW DEPARTMENT Legislative West Bengal Act XIII of 1962 THE WEST BENGAL PUBLIC LAND (EVICTION OF UNAUTHORISED OCCUPANTS) ACT, 1962. -L Passed -the IVest Bengal Legislature.) [Assent of Governor was first published in thé Calcutta Gazet&, Dciraord;nary, of the 14th December, 1962. [11th Decenlbr, 1962.] An Act to provide the speedy eviction of unauthorised occupants from public lands. WHEREAS it is expedient to provide for Che speedy eviction of unauthorised occupants from public lands ; It is hereby enacted -in the Thirteenth Year of the Republic of India, by the Legislature of We'st Bengal, as follows : — 1, (1) This Act may be called the West Bengal Public Land (Eviction of Unauthorised Occupants) Act, 1962. (2) It extends to the whole of West Bengal. 2, In this Act, unless there is anything repugnant ill the subject or context,— (1) "Collector" means— (a) in Calcutta, the • Land Acquisition Collector, Calcutta, and (b) elsewhere, the Chief Offcer in charge of the revenue administration of the district, and includes any Officer, not below the rank of a Magistrate of the first. class, specially appointed by the State Government perform all or any of the functions of a Collector under this Aet ; Eagplanation.—In this clause "Calcuttâ" has the same meaning as in the Calcutta Municipal. Act, 1951. (2) ' ' land" includes buildings and other things attached to the earth or permanently fastened to things attached to the earth; Pricc—Indian, 12 nP,; English, Sd, Short title and extent. Definitions. 2 The (3) (o) (6) (7) West Bengal Publ;c Land (Eviction Of Unauthorised Occupants) Act, 1962. [West Ben. Act (Section 3.) ' 'notification" means a notification published in the C)ffcial Gazette; "owner" in relation to public land means the State Government a loeal. - authority, as % the ease be ; { 'person concerned'? , in relation lto any public land, means any persdll who is in. ttle use or occupa- tiQ11 of the public land ; 'prescribed" means prescribed by rules made under this Act; "public land" means any -land belonging to, or taken on lease by, the, State Government or any local authority and includes. any land requisi- {honed by, or on behalf ,of, the State Govern- ment, but does not include a Government road or a highway within the meaning of the Bengal Ben. Aot Highways Act, 1925, or any other law for the Ill of 1925• timt being in force on the subject or any part of such Government road or highway ; 'unauthorised oeeupation", in 3' relation to any -publié land, means the use or occupation by any person of the public land without authority in writing by or on behalf of the owner thereof. Issue of notice to Bhow cause against order for eviction of unautho• rised occu- pant from public land. 3, (1) If, in regpeat%f any public land, the Collector is of opinion, upcm applicationw made by an officer of the owner of the public laild auth0*ised -in this behalf by such owner or upon information received otherwise, that the public land is in tho unauthorised occupation of any person or persons, Collector shall issue a notice calling upon all- persons - concerned to: show cause before such date, not being less than fifteen days after the date of the notice, as be specified in the notice why an Order under clause (a) of sub-section- (1) of section 4—should not be made, and shall cause it -to be served in the manner referred to in sub-section (2). Intimation of the date so specified shall be given to the owner of the public land and to its officer authorised under this sub-section. (2) A notice issued under sub-section (I) shall be served by affixing it 011 a conspicuous part of the public land -concerned and in such other manner may be prescribed. (3) A notice served the manner referred to in sub- section (2) shall be deemed to have been duly served. The, I'Vest Bengal Public Land Unauthorised Occupants) A ct, of 1962.1 (Sections 4, 4. (1) If, after considering the cause, (Eviction of 1962. 3 if any, showu by any person in pursuance of notice issued under section 3 and any evidence adduced ill support thereof, and any evidence which may be adduced by the •owner and after making Such further inquzry, if any, as he deems necessary , —2 (a) the Collector is satisfied that no bona fide dispute regarding title to the public land exists and that the ptblic land is in the unauthorised occupation of any persop, he shall •make au order directing Such person— (i) to vacate the public lands and deliver possession thereof to the owner, and (ii) to pay. for the entire period during which he has been and gontinues to be in unauthorised occupation of the public land, damages at suelv rate, not exceeding double the rate of rent prevailing for similar lands with similar advantages in the vicinity, as may be pres- cribed, within such time as be specified in the order; or (b) the Collector is satisfied that the person concerned is not in unauthorised occupation of the public land or is of opinion that a bona fide dispute regarding title to the public • land exists, he shall make an order cancelling the proceedings and referring

the parties to the civil court : Provided that no order under • this sub. diction shall be lilade tcv+he prejudice of any person who has had no oppofrtunity of being heard. (2) There an order has been made under:élaue (a) of sub-section (1), the Collector shall cause a copy of the ordér to be served in the manner referred to in sub-section (2) of section 3. 5. (1) If, in i•espect of any public land. -Or part thereof, any person concerned refuses or fails to comply with an order made under sub-clause (i) of clause (a) of sub-section (1) of section 4 within the time specified in the order or within such further time as. the Collector may; allow, then the Collector shall,— (a) if • Magistrate, enforce delivery of possession of such public land or pare to the owner after ev icting the person concerned, or Order for eviction Of unauthoris- ed ocou. pants from public land. Colleotor's power to enforce delivery of vsession evicting unautho- rised occupant. 4 (he: (b) if l'Vesâj Bengal Public Land (Eviction of Unauthorised Occupants) Act, 1962. [West Ben. Act (Sections 6—9.) not a Magistrate, apply to a Magistrate, or, • iu Calcutta as defined in section 3 of the Calcutta Police Act, 1866, Co the Commissioner. of Police, IV of 1866. Calcutta, and such Magistrate or Commissioner of Police, as the. case may be, shall enforce delivey of possession of such public land or part to the owner after evicting the persow concerned. Damages and oostB recov erable as public demand Appeal. Indemnity. Power to - make rules. (2) The costs of enforcing such delivery of possession after evicting the person concerned shall be payable by the person concerned within such time as the Collector may, by order, direct

6. Any sum payable by any person as damages or costs under an order of-the Collector under this Act shall be ggc•over.âble as public. démand

7. An æpeveal from an order urade unde vthis Act shall lie to—(a) the Cômmissiouer the Division, ere the order is made „by the Collector, and the the iorder is made by any offcer Specially appointed under sub-clause (b) •of clause (1) of section 2, if preferred within Olirty •clays from •the date ot the order appealed against and, the decision of the Commissioner or the Collector, as tflé ease :may be, on such appeal shall, be final. Explanation An this sectiöil "Collector" does not, include an specially appointed under sub-clause. (b) of clause (1) Of section 2

8. No suit, prosecutio» or other legal proceeding shall lie against any personcfoi' anything which is in good faith done or intended to be done in pursuance of this Act or any rule or order made thereunder.

9. (1) THe State Government may, by notification, make rules for carvyng out the purposes of this Act. (2) In varticular and without prejudice to the generality of the foregoing power the State Government may make rules with 'respect to all or any of the following matta•s, n amely . (a) the forms and the manner of service of notices under this Act; The West Bengal Public Land (Eviction Unauthorised Occupants) act, 1962. of 1262.] (Sections 'IO, 11.) (b) the procedure to be followed and the fees, payable in appeals under section 7; of 5 if any, Aot XLV of 1860. Act V of 1898. Act XVI West Ben. Ord. VI of (c) any other matter which mây be or is required to be prescribed. IO. The provisions of this Act shall have • effecÜ notwithstanding anything Co the Contrary contained in any tion. law for the time being in force other than the Indian Penal Code or the . Code of Criminal Procedure, 1898, but shall not apply in respect of the use or occupation of any public -land by a displaced peron as defined in clause (IR Eviction of Persons in Unauthorised Occupation of Land Act, 1951, in which• an •application for eviction has been entertained under sub-section (1) of section 3 of that Act. 11. (8) Thé West Bengal Public •Land (Eviction i Repeal Unauthorised Occupants) Ordinance. 1962, hereby gwings. repealed. (2) Anything done or any action taken nuder the said Ordinance shall -be deemed to: have been validly done or taken mndev this Act as if this AOC had commenced on the 8th (day bf September, 1962. WBGp-d3/4-9078A-5M