

GOVERNMENT OF WEST BENGAL
DEPARTMENT OF MUNICIPAL AFFAIRS
Poura Prashasan Bhawan, DD-I,
Sector – I, Salt Lake, Kolkata – 700 064.

MEMORANDUM

No. 584/MA/O/C-10/3S-11/2010(Pt.).

Dated, Kolkata the 26th day of October, 2016.

Whereas, Land & Land Reforms Department, Govt. of West Bengal, vide their Memorandum No. 756-LP/1A-03/14 (Pt. II) dated 25.02.2016, has published the policy of the State Government for the purpose of allowing the various departments for the direct purchase of land for public purpose and mainly involving early commissioning of infrastructure projects like roads, bridges, food godowns, drinking water, flood protection and other similar projects in rural and/or urban areas through Zilla Parishad / Municipality / Notified Area Authority/Municipal Corporation /Other Govt. Bodies and Parastatals, as the case may be;

AND, WHEREAS, with the issuance of the above mentioned Memorandum of Land and Land Reforms Department, containing the omnibus policy guidelines of the State Government for the purpose of purchase of land for implementation of development projects, this Department Notification NO. 761/MA/O/C-10/3S-1/2010 dated 16.09.2016, which was issued as guidelines related to procurement of land by the Urban Local Bodies for implementing different development projects, especially for procurement of land for Solid Waste Management, and land for the projects sanctioned under JNNURM has lost its relevance, and it is necessary to issue a fresh guidelines for the purpose for the Urban Local Bodies within the ambit of the notifications of the Land and Land Reforms Department mentioned above for those particular purpose;

NOW, THEREFORE, the Governor, in cancellation of this Department's Notification No. 761/MA/O/C-10/3S-1/2010 dated 16.09.2016, is pleased hereby to direct that the Urban Local Bodies in the Municipal Corporation, Municipalities, Notified Area Authorities and Industrial Township of this State, either for the purpose of purchase of land for implementation of various Central Government of State Government funded programmes with the ambit of the notifications of the Land and Land Reforms Department, mentioned above, for public purpose mainly involving the early commissioning of infrastructure projects like water supply, solid waste management, sewerage and septage management, roads, bridges, drainage, flood protection and other similar projects in urban areas; or in case of purchase of land by the Urban Local Body for implementing development project by itself of similar nature, shall ensure strict compliance of the following Guidelines :

GUIDELINES

1. Urban Local Body shall send proposal to this Department with land Schedule and the detailed information about the land which it intends to purchase including name of mouza, J.L. No., Dag No., Khatian No., Sheet No. (in case of a dag with multiple sheets), Plot No., Name of Police Station, Nature of land and the quantum of land alongwith technical feasibility report as detailed at Para 16 & 17 of this guideline.

2. Municipal Affairs Department, in terms of Finance Department's Memorandum No. 862-FB dated 14.10.2015, the Administrative Department shall get the concurrence of the Finance Department and thereafter will take concurrence of the Standing Committee on Industry, Infrastructure & Employment before going ahead with the purchase of land indicating its tentative location & quantum.

3. A 15-day local notice mentioning preference & details of land intended for purchase shall be given by the concerned Urban Local Body 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 to the concerned Urban Local Body.

4. The Purchase Committee as notified and noted at Para-8 below, will select the appropriate plot(s) of land to be purchased as per suitability and other consideration from among the application / offers received on the basis of the notice.

5. Municipality concerned shall 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, the title of the selected lands within 14 days & shall furnish report in the prescribed format to the Purchase Committee.

6. Land would be purchased through the Municipality / Municipal Corporation / Notified Area Authority.

7. Funds will be allotted as per ceiling mentioned at Para-18 to the Municipality / Municipal Corporation / Notified Area Authority by this Department for payment to land owners and payment will be made to their bank accounts.

Purchase Committee :-

8. (1) For Municipalities & Notified Area Authorities, a Committee of the following officials will finalise the price of land for this purpose :

- (a) District Magistrate of the concerned District – Chairperson.
- (b) District Land and Land Reforms Officer – Member
- (c) Special Land Acquisition Officer - Member
- (d) Chairman of the Municipality / Notified Area Authority – Member
- (e) A nominee from the concerned ULB as nominated by the Chairperson – Member.
- (f) FC & CAO, Zilla Parishad – Member.
- (g) Representative of Municipal Affairs Department – Member.
- (h) District Registrar – Member.
- (i) Secretary, Zilla Parishad – Member Secretary.
- (j) Executive Officer/Finance Officer of the Municipality – Member Convener.

Contd... 3.

(2) For areas under Municipal Corporation, the purchase Committee will be as follows :-

- i) District Magistrate of the concerned District - Chairperson.
- ii) Mayor of the Municipal Corporation - Member.
- iii) Municipal Commissioner / Commissioner of the Corporation - Member.
- iv) DL & LRO / 1st LA Collector - Member.
- v) District Registrar - Member.
- vi) Special Land Acquisition Officer - Member.
- vii) Two Councillors to be nominated by the Mayor - Member.
- viii) Chief Municipal Auditor of the Municipal Corporation / Finance Officer - Member.
- ix) Representative of Municipal Affairs Department - Member.
- x) Secretary of the Municipal Corporation - Member Secretary.

9. However, for purchase of land situated within the jurisdiction of Kolkata Municipal Corporation, the Principal Secretary / Secretary, Land & Land Reforms Department will act as Chairperson of the Committee.

10. Value of buildings / structures would be assessed by the Executive Engineer, / Municipal Engineering Directorate.

11. After the purchase of land from the land owners, land will be registered in the name of Municipality / Municipal Corporation / Notified area Authority.

12. Care should be taken by Municipality / Municipal Corporation / Notified Area Authority / to ensure that the entire transaction is fair & transparent and it is based on mutual consent. There shall be no element of coercion.

13. 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 be 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.

14. Stamp duty shall be exempted for such purchase of land by Municipality / Municipal Corporation / Notified Area Authority / Parastatal and also for subsequent transfer to administrative department. However, registration cost may be borne by Urban Local Bodies.

15. In case of procurement of land for Solid Waste Management, priority to be given for vested land within the jurisdiction of the concerned Urban Local Bodies and in that case proposal for interdepartmental transfer of land should be given priority. If it is observed that the available vested land is located near a locality / educational institution / hospital / place of worship & dumping of Solid Waste may create future environmental & pollution hazards, then the purchase of land may be

16. In case of procurement of land of Solid Waste Management, the ULB shall obtain the opinion of Chief Engineer of Municipal Engineering Directorate regarding technical feasibility of the projects and furnish the same to this Department along with the proposal mentioned at Para-1 above.

17. For purchase of land for other purpose, the ULBs, shall obtain opinion of Chief Engineer, Municipal Engineering Directorate, govt. of West Bengal or from Kolkata Metropolitan Development Authority (for the ULBs located within Kolkata Metropolitan Area) regarding technical feasibility of the projects and will furnish the same to this Department along with the proposal mentioned at Para-1 above.

18. In case of purchase of land for Central or State Government sponsored project as well as for the projects to be taken by Urban Local Bodies out of its own, subject to compliance of the following guidelines, the State Government in the Municipal Affairs Department shall provide 50% of the cost of purchase of such land for such purchase, out of the fund available in the respective head of account within the budgetary provision of Municipal Affairs Department under Demand No. 39 and rest 50% to be borne by the respective Urban Local Body. Out of the 50% share to be borne by the State Government for the purpose, 45% shall be allotted before purchase of land and the remaining 5% shall be paid after the said land is transferred to and recorded in the ROR in name of the respective Urban Local Body. In the cases of projects to be implemented by the Urban Local Bodies itself, the entire financial responsibility of purchase of such land shall be borne by the respective Urban Local Body.

In the cases of any difficulties arises at the time of implementation of this order, appropriate clarification / Order will be issued by this Department in due course.

By Order of the Governor,

Sd/- O.S. Meena

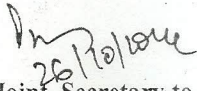
**Secretary to the Govt. of West Bengal.
Municipal Affairs Department.**

No. 584/1(320)/MA/O/C-10/3S-11/2010(Pt.).

Dated, Kolkata the 26th day of October, 2016.

Copy forwarded for information and necessary action to :-

- 1) The Pr. Accountant General (A&E), West Bengal, Treasury Buildings, Kolkata - 1.
- 2) The Pr. Accountant General (Audit), West Bengal, Treasury Buildings, Kolkata - 1.
- 3) The Pr. Accountant General (RW & LBA), West Bengal, Treasury Buildings, Kolkata - 1.
- 4) Mayor / Chairman / Chairperson
..... Municipal Corporation / Municipality / Notified Area Authority.
- 5) The Municipal Commissioner, Kolkata Municipal Corporation.
- 6) The Commissioner / Executive Officer,
..... Municipal Corporation / Municipality / Notified Area Authority.
- 7) The District Magistrate,
- 8) The District Municipal Development Officer,
- 9) The District Land & Land Reforms Officer,
- 10) The Chief Executive Officer, Kolkata Metropolitan Development Authority.
- 11) The Chief Executive Officer, Asansol Durgapur Development Authority.
- 12) The Directorate of Local Bodies, West Bengal. .
- 13) The Land & Land Reforms Department, Govt. of West Bengal.
- 14) The Chief Engineer, Municipal Engineering Directorate.
- 15) The Director, State Urban Development Agency (SUDA).
- 16) The Joint Director, ILGUS.
- 17) The Finance Department (Group "R" / "N"), Govt. of West Bengal.
- 18) P.S. to M.I.C., M.A. and U.D. Departments.
- 19) Sr. P.S. to Secretary of this Department.


26/10/16
**Joint Secretary to the
Government of West Bengal.**

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GOVERNMENT OF WEST BENGAL
URBAN DEVELOPMENT & MUNICIPAL AFFAIRS DEPARTMENT
POURA PRASHASAN BHAVAN
DD-I, SECTOR-I, SALT LAKE, KOLKATA-700 064

ORDER

No. 21/MA/O/C-10/3S-11/2010 (Pt.)

Dated, Kolkata, the 16th day of January, 2017

In partial modification of Municipal Affairs Department Memorandum No.584/MA/O/C-10/3S-11/2010 (Pt.) dated 26th October, 2016 (hereinafter referred to as the said Memorandum), the Governor is pleased hereby to make following amendment to the said Memorandum :

Addendum

1. In the said Memorandum, after serial No. 18 contained in the subject with heading "GUIDELINES", the following serial No. and text shall be inserted :

"19. In case, the aforesaid Purchase Committee fails to perform its functions within a reasonable time, the administrative department would free to use any Urban Local Body under its control to purchase the land on the same terms & conditions as prescribed above."

2. In the said Memorandum, after page 4, additional page 5 with text as detailed below shall be added :

FORMAT

Name of Urban Local Body	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 the main road (KM / Meter)			
Whether the land gets waterlogged in the rainy season ?			Yes / No
Do the land gets flooded in the 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 :

By order of the Governor,

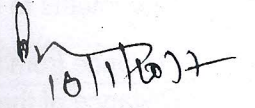
Sd/-

Secretary to the Government of West Bengal

No. 21/1(79)/MA/O/C-10/3S-11/2010 (Pt.) Dated, Kolkata, the 16th day of January, 2017

Copy forwarded for information and necessary action to the –

- (1) Pr. A.G. (A&E), West Bengal, Treasury Buildings, Kolkata 700 001.
- (2) Pr. A. G. (Audit), West Bengal, Treasury Buildings, Kolkata-700 001.
- (3) Pr. A.G. (RW&LBA), West Bengal Treasury Buildings, Kolkata-700 001.
- (4) Mayor / Chairman / Chairperson, _____ Municipal Corporation / Municipality /
Notified Area Authority, P.O. _____, Dist. _____
- (5) Municipal Commissioner, Kolkata Municipal Corporation.
- (6) Commissioner / Executive Officer, _____ Municipal Corporation /
Municipality / Notified Area Authority, P.O. _____, Dist. _____
- (7) District Magistrate, _____
- (8) District Municipal Development Officer, _____
- (9) District Land & Land Reforms Officer, _____
- (10) Chief Executive Officer, KMDA / ADDA.
- (11) Director of Local Bodies, Government of West Bengal.
- (12) Chief Engineer, Municipal Engineering Directorate, Government of West Bengal.
- (13) Joint Director, ILGUS, ILGUS Bhawan, Sector-III, Salt Lake, Kolkata-700 106.
- (14) _____ Department, Government of West Bengal.
- (15) P. S. to the Minister-in-Charge, Urban Development & Municipal Affairs Department,
Government of West Bengal.
- (16) Sr. P. A. to the Secretary, Urban Development & Municipal Affairs Department, Government of
West Bengal.


16/1/2017
Joint Secretary