

Government of West Bengal
Department of Urban Development & Municipal Affairs
"NAGARAYAN"
DF-8, Sector-I, Bidhannagar, Kolkata-700 064

No: **434** - UDMA-22012(11)/8/2020-ESTT-TCP SEC-Dept. of UDMA Dated, the **7th** March, 2024

NOTIFICATION

Whereas the State Government in the Department of Urban Development & Municipal Affairs or its parastatals or Urban Local Bodies (ULBs) has allotted land on leasehold basis.

2. Whereas it has been observed that prior to the introduction of Land Allotment Policy, 2012, there were some cases of allotment of land which are either incomplete and/or lying at different stages of allotment procedure. In some cases full payment have been made by the allottee(s) and possession was handed over but lease deed is yet to be executed, while in some other cases, though full payment was made by the allottee(s) but possession was not handedover and lease deed has not been executed; also there are cases where an offer of allotment had been issued and part payment was made but possession was not handed over. In all such cases, the concerned land parcels are locked, neither the allottee(s) can put those in effective use nor the Government entities can put those for fresh allotment.

3. Whereas lessees have been approaching the government / government entities for regularization of allotments of those land parcels.

4. Now, to deal with such pending issues, the Department of Urban Development & Municipal Affairs hereby introduces the Guiding Principles as detailed below.

Guiding Principles Relating to Regularization of Allotment of Land

A. For cases where possession is with the allottee :

i. Where the allottee has paid in full as per offer of allotment/sanction order and possession has been handed over to the allottee and the allottee is still in possession, execution of the lease deed may be done w.e.f the date of handing over the possession for a period mentioned in the allotment/sanction letter subject to payment of other dues, if any, as per condition of allotment.

ii. The offer of allotment has been made and the allottee has either paid in part or has not made any payment but possession has been handed over to the allottee or the allottee is in possession of the land in some way or other, in such cases, balance amount or the entire amount, as the case may be, may be realized first on pro rata basis/in full from the allottee on current market value to be assessed by the IGR

including other arrear dues, if any, as per the condition of allotment and then the lease deed may be executed w.e.f. the date of handing over of the possession or w.e.f. the date the allottee is in possession of the land, as the case may be.

In case the allottee has expired before execution of lease deed then lease deed may be executed with (a) concerned legal heirs and/or (b) person(s) or entity having right by virtue of probated will/acceptable legal instrument for the unexpired period. In case the allottee transferred the interest/right of the allottee to person(s)/entity with permission (prior or post facto and mutation has accordingly be done from this department/Estate Officer, Kalyani/concerned authority/WBHIDCO, ULB), execution of lease deed may be done with such person(s)/entity in the manner to be notified by the administrative department.

B. For cases where possession is with the Department/Parastatal/ULB :

i. Where as per the offer of allotment, full payment was made by the allottee but lease deed has not been executed and possession has not been handed over to the allottee and the land parcel is still available free from encumbrances. In such cases, the allottee may be given an opportunity to execute the lease deed as per the offer of allotment and possession of the land parcel may be handed over following due process after registering of such lease deed.

ii. Where as per the offer of allotment, full payment was made by the allottee but the concerned land parcel is not free from encumbrances, then attempt will be made to make the plot free from encumbrances to the maximum extent possible with help of the District Magistrate and allottee may be given an opportunity to execute the lease deed for such quantum of land which could be made free from encumbrances and possession of the land parcel may be handed over after registration of such lease deed. The balance of the deposited amount, if any, may be returned to the allottee.

Alternately, the allottee may return the said allotted plot to State Govt. on refund of deposited amount, if any, without any interest.


iii. (a) Where as per the offer of allotment, part payment has been made, the allottee may be given opportunity to pay the balance amount at current market value to be assessed by the IGR. In such cases, lease deed may be executed and possession may be handed over following due process.

Alternately, the allottee may return the said allotted plot to State Govt. on refund of deposited amount, if any, without any interest.

(b) Where as per the offer of allotment, no payment has been made, the allotment will stand cancelled and fresh allotment may be made as per land allotment policy.

For those cases where the terms and conditions of the allotment letter/sanction letter are not in agreement with the above Guiding Principles or any specific situation requires separate treatment, the same may be resolved individually on case to case basis.

This is issued in approval of the Cabinet in its 55th Meeting held on 06.03.2024 (vide Cabinet Sectt. U/O No.CAB(D)-969 dated 06.03.2024) read with Finance Department's UO No. Group R/2023-2024/0358 dated 03/03/2024.



(SANJAY BANSAL)
Secretary to the
Government of West Bengal