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PART III—Acts of the West Bengal Legislature.

GOVERNMENT OF WEST BENGAL

LAW DEPARTMENT

Legislative

NOTIFICATION

No. 1001-L.—3rd September, 2019.—The following Act of the West Bengal Legislature, having been assented to by the Governor, is hereby published for general information:—

West Bengal Act XI of 2019

THE WEST BENGAL *THIKA* TENANCY (ACQUISITION AND REGULATION) (AMENDMENT) ACT, 2019.

[*Passed by the West Bengal Legislature.*]

[Assent of the Governor was first published in the *Kolkata Gazette, Extraordinary*, of the 3rd September, 2019.]

An Act to amend the West Bengal Thika Tenancy (Acquisition and Regulation) Act, 2001.

WHEREAS it is expedient to amend the West Bengal *Thika* Tenancy (Acquisition and Regulation) Act, 2001, for the purposes and in the manner hereinafter appearing;

West Ben. Act
XXXII of 2001.

It is hereby enacted in the Seventieth Year of the Republic of India, by the Legislature of West Bengal, as follows:—

Short title and
commencement.

1. (1) This Act may be called the West Bengal *Thika* Tenancy (Acquisition and Regulation) (Amendment) Act, 2019.

The West Bengal Thika Tenancy (Acquisition and Regulation) (Amendment) Act, 2019.

(Sections 2, 3.)

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Amendment of section 2 of West Ben. Act XXXII of 2001.

2. In section 2 of the West Bengal *Thika Tenancy (Acquisition and Regulation) Act, 2001* (hereinafter referred to as the principal Act),—

(1) clause (1), shall be renumbered as clause (1a) of that section and before clause (1a), so renumbered, the following clause shall be inserted:—

‘(1) “assignment” means transfer of lease hold interest over a *thika* land by a *thika* lessee to *thika* assignee;’;

(2) after clause (1a), so renumbered, the following clauses shall be inserted:—

‘(1b) “building” means any construction made over *thika* land either by the *thika* tenant himself or in collaboration with *Bharatia* with the prior sanction of the Kolkata Municipal Corporation or the Howrah Municipal Corporation or any other Municipal Corporation or any local authority and includes any construction made over *thika* land by the Kolkata Municipal Corporation or the Howrah Municipal Corporation or any other Municipal Corporation or any local authority, with the consent of *thika* tenant and *Bharatia*;

(1c) “construction” means any structure made over a vacant *thika* land either by a *thika* tenant himself or in collaboration with *Bharatia* or by the Kolkata Municipal Corporation or the Howrah Municipal Corporation or any other Municipal Corporation or any local authority, as the case may be;’;

(3) after clause (2), the following clause shall be inserted:—

‘(2a) “development agreement” means an agreement entered between *thika* tenant and *Bharatia* with or without the Kolkata Municipal Corporation or the Howrah Municipal Corporation or any other Municipal Corporation or local authority, as the case may be, and approved by the concerned Corporation;’;

(4) in clause (13), after the words “durable nature”, the words “and includes any type of construction or reconstruction or development of building done by *thika* tenant by himself or in collaboration with *Bharatia*, keeping intact their respective share” shall be inserted;

(5) after clause (13), the following clauses shall be inserted:—

‘(13a) “*thika* assignee” means any *Bharatia* or any other person, in respect of whom assignment may be made by the *thika* lessee in terms of development agreement for construction over the *thika* land and includes the successor-in-interest of such persons;

(13b) “*thika* lessee” means any *thika* tenant holding a *thika* land and authorised to transfer interest on such land;’.

Amendment of section 5.

3. In section 5 of the principal Act,—

(1) after sub-section (4), the following sub-section shall be inserted:—

“(4A) Notwithstanding anything contained in this section, the interest of the *thika* tenant over *thika* land holding directly under the State under sub-section (1) may be transferable as *thika* lessee, by the Controller with the prior permission of the State Government, for assignment to *thika* assignee.”;

The West Bengal Thika Tenancy (Acquisition and Regulation) (Amendment) Act, 2019.

(Sections 4, 5.)

(2) in sub-section (5),—

- (a) in clause (a), for the words “*Bharatias* under them; and”, the words “*Bharatias* under them;” shall be substituted;
- (b) after clause (a), the following clause shall be inserted:—
- “(aa) residential purposes of *thika* lessee, *thika* assignee or any other purpose or purposes, as may be prescribed; and”.

Amendment of section 6.

4. In section 6 of the principal Act, after sub-section (1), the following sub-sections shall be inserted:—

“(1A) Notwithstanding anything contained in sub-section (1), the Controller may allow *thika* tenants to transfer any vacant land or any part thereof to the *thika* assignee with the prior permission of the State Government, on such terms and conditions as may be prescribed by the State Government.

(1B) Where the vacant land as stated in sub-section (1A) of this section is not utilised within such time as may be prescribed from the date of grant or permission from the Controller, for the purpose for which the person has been permitted for, the State Government may, after giving opportunity of hearing to such person, resume the land or its part thereof, as the case may be, for violation of terms and conditions for such transfer.

(1C) Notwithstanding anything contained in this section, any land or structure or part thereof so resumed under this section, may be used or settled by the State Government on such terms and conditions as may be prescribed by the State Government.”.

Insertion of new section 6A.

5. After section 6 of the principal Act, the following section shall be inserted:—

“Construction over *thika* land for betterment of living condition. 6A. (1) For betterment of living condition of *thika* tenant and *Bharatia*, construction or reconstruction or development of building over *thika* land may be done either by the *thika* tenant himself or in collaboration with *Bharatia* without disturbing proportionate share of *thika* tenant and *Bharatia*, in terms of development agreement for the purpose:

Provided that both the *thika* tenant and *Bharatia* shall pay such amount of *salami* as may be prescribed, to the State Government, to be declared as *thika* lessee and *thika* assignee, respectively.

(2) Where the *thika* tenant either himself or in collaboration with *Bharatia* is unable to develop the *thika* land, the Kolkata Municipal Corporation or the Howrah Municipal Corporation or any other Corporation or any local authority of the concerned area may develop *thika* land for construction of building under any housing scheme or otherwise without disturbing proportionate share of *thika* tenant and *Bharatia*.

(3) The State Government may resume all or any portion of land or structure over any *thika* land with the written consent of *thika* tenant and all *Bharatia* for the purpose of betterment of living condition of the *thika* tenant and *thika* assignee:

Provided that no compensation shall be payable by the State Government to any *thika* tenant or *Bharatia* for resumption of land for the purpose of betterment of living condition of the *thika* lessee and *thika* assignee.

*The West Bengal Thika Tenancy (Acquisition and
Regulation) (Amendment) Act, 2019.*

(Section 5.)

(4) After construction or reconstruction or development as stated in this section, the *thika* lessee shall assign the building or part thereof to the *thika* assignee as stipulated in the development agreement entered by the *thika* tenant and *Bharatia*.”

By order of the Governor,

AKHILESH KUMAR PANDEY,
*Secy.-in-charge to the Govt. of West Bengal,
Law Department.*