**Mutation of Kamarhatty land:**

1. TIL Limited (then known as Coles Cranes of India Limited) had purchased 6.31 acres of land at Mouza - Agarpara from Kamarhatty Company Limited in 1961 vide Deed of Conveyance dated 19th September, 1961. Subsequently the factory was set up.
2. Though the Conveyance was registered with the Sub-Registrar, the land was not mutated in favour of TIL. However, TIL had been paying the ‘Khajna’ (land tax) to the Land Revenue Office every year.
3. After lot of discussions and follow up with the Land Authorities, TIL filed a Mutation Case before the BL&LRO Office, Barrackpore – II, Panihati in July, 2016.
4. After a series of hearings before the BL&LRO, the following facts were revealed from the records of the Land Authority:

* According to cadastral survey performed in 1950 – 55, the said land was vested with the Government and the said Kamarhatty Company Limited was an ‘intermediary’ (allowed to hold but not own) as per the West Bengal Estates Acquisition Act, 1953 (viz., Section 6(3) thereof) as they held excess land than the permissible ceiling limit;
* An intermediary can sell/transfer land only with the permission/approval of the Government. Thus, Kamarhatty Company Limited (being an intermediary) should have sold the land to TIL only with the prior approval of the State Government which was not obtained at that time.

1. In the last hearing held on 17th July, 2019 before the Additional District Magistrate & DL&LRO together with SD&LRO, BL&LRO & other connected officials at Barrackpore, TIL was informed that as per the provisions of the West Bengal Estates Acquisition Act, 1953, all factory lands purchased after 13th April, 1955 shall be deemed to have been vested with the State Government from 13th April, 1955 (being the date on which the provisions of the West Bengal Estates Acquisition Act, 1953 had come into force).
2. This fact has now been confirmed by an amendment to the Rules effective 15th September, 2017 based on which the land holders (like TIL) shall become a direct lessee under the State Government for 99 years and will be ensured undisturbed possession and use of the land at a price/salami fixed by the State Government under the said amended Rules 6A and 6B of the West Bengal Land Reforms Act, 1955.
3. As TIL acquired the land in 1961 (subsequent to 1955), the Government will now levy a salami of 20% & annual rent @0.3% of the current market price together with stamp duty and registration fee as applicable (Rule 6A).
4. In case of any change in the purpose of the land in terms of activities mentioned in Section 14Y of the West Bengal Land Reforms Act, 1955 i.e., for activities other than townships, the additional salami would be 25% of the current market price of the land and that for townships, the additional salami would be 35% of the current market price of the land together with annual rent of 0.3% of the current market price (Rule 6B).
5. The terms and conditions of the lease has not yet been disclosed by the Government. They have advised the land holders to submit application before the State Government for obtaining the land on perpetual lease.
6. The legal opinion is that the land holders can challenge the aforesaid amendment on the ground that the landholder’s status as owner/raiyat having heritable and transferable right is getting transferred to that of a ‘lessee’ without having any heritable and transferable right.

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