

## CHAPTER III LAND REVENUE

### 3.1 Results of audit

Test check of records of land revenue in District Land and Land Reforms (DL & LR) offices conducted in audit during the year 2003-04, revealed non/short realisation of revenue amounting to Rs.39.48 crore in 102 cases, which broadly fall under the following categories :

<i>(Rupees in crore)</i>			
Sl. No.	Categories	No. of cases	Amount
1	Non-levy/non-realisation of damage fee due to unauthorised occupation of Government land	13	5.37
2	Non-settlement of land	5	0.60
3	Non-levy and non-realisation of rent and salami	38	2.17
4	Loss of revenue due to non-leasing of sairati interest	11	0.20
5	Other cases	35	31.14
<b>Total</b>		<b>102</b>	<b>39.48</b>

During the course of the year 2003-04, the concerned Department accepted underassessments etc. of Rs.26.80 crore involved in 51 cases of which 33 cases involving Rs.25.78 crore had been pointed out in audit during the year 2003-04 and the rest in earlier years. An amount of Rs.41.48 lakh was realised at the instance of audit.

A few illustrative cases involving Rs.1.84 crore highlighting important observations are given in the following paragraphs:

### **3.2 Non-realisation of rent and salami**

Under the provisions of the West Bengal Land and Land Reforms (W B L & L R) Manual, 1991, if the Government land remained in possession of person/persons without any lease, such persons may be offered long term settlement on realisation of rent and salami. In case of refusal by the occupiers for regularization they are liable to be evicted.

Scrutiny of records of five<sup>1</sup> DL&LR offices revealed that nine individuals, one club and one social welfare organisation had been unauthorisedly occupying 37.046 acres of land involving market value of Rs.81.87 lakh for commercial and residential purposes. In seven cases, the district authorities initiated proposal for long term settlement between May 1998 and December 2002, which were not completed till September 2003. In other four cases the district authority did not initiate any action either to settle the land with the encroachers on long term lease or to evict them. Thus non-settlement of land resulted in non-realisation of revenue of Rs.47.43 lakh in the shape of rent and salami for different periods between 1998 and 2003.

After this was pointed out, the District authorities stated between December 2002 and September 2003 that the matter was being looked into. Further reply had not been received (December 2004).

The cases were reported to the Department and to Government between March 2003 and December 2003 followed by reminders issued up to July 2004; their reply had not been received (December 2004).

### **3.3 Loss of revenue due to non-execution of long term lease**

Under the provisions of the W B L & L R Manual, the process of settlement of long term lease is to be completed ordinarily within five months from the date of application. The annual rent is payable at the rate of four per cent of market value of the land and salami at the rate of 10 times the annual rent.

Scrutiny of records of four<sup>2</sup> DL&LR offices revealed that 18 individuals, one Limited Company, one autonomous body and one local body had applied for allotment of 8.29 acres of non-agricultural land valued at Rs.1.05 crore between 1998 and 2001 on long term lease basis as detailed below:

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<sup>1</sup> Bankura, Darjeeling, Murshidabad, Nadia and North 24 Parganas.

<sup>2</sup> Birbhum, Darjeeling, North 24 Parganas and South 24 Parganas

Sl. No.	Name of the prospective lessee	Area involved (in acres)	Date of application Period involved	Reasons for non-settlement	(Rupees in lakh)	
					Non realisation of rent and salami	
					Rent	Salami
1.	18 individuals	2.31	Between 2000 and 2001 2000-01 to 2001-02	The tenants applied for long term settlement of land but the same has not been settled by the DL & LR Office	0.94	6.49
2	LGW Ltd.	1.28	February 2000 August 2000 to July 2002	The DL & LR Office send the case to Commissioner in April 2002. Thereafter the case was pending at Commissioner office.	2.77	13.83
3	Kurseong Municipality	0.70	June 1998 December 1998 to November 2003	The Municipality agreed to pay rent and salami in January 2002. No proposal was sent	1.12	2.25
4	Sriniketan Santiniketan Development Authority	4.00	August 2000 February 2001 to January 2003	The proposal was sent to L & LR* Department by the DL & LRO on 12 March 2001. The case was pending at the L & LR Department.	3.90	19.51
		<b>8.29</b>			<b>8.73</b>	<b>42.08</b>

*\* Land and Land Reforms Department*

This resulted in loss of revenue of Rs.8.73 lakh as annual rent for different periods between 1998-99 and 2002-03 and salami of Rs.42.08 lakh.

This was pointed out to the District authorities who stated between October 2002 and September 2003 that the matter would be looked into. Further reply had not been received (December 2004).

The cases were reported to Government between March 2003 and December 2003 followed by reminders issued up to July 2004; their reply had not been received (December 2004).

### **3.4 Non/short realisation of revenue due to irregular transfer of Government land**

Under the provisions of the W B L & L R Manual, vested non-agricultural lands may be settled on long term lease basis for 30 years on realisation of annual rent to be fixed by the Collector at four per cent of the market value of land and salami, in lump, at 10 times the annual rent. There is, however, no provision in the Manual for giving advance possession of Government land without realising prescribed rent and salami in advance.

Scrutiny of records of two<sup>3</sup> DL & LR offices revealed that in three cases 8.78 acres of non-agricultural land valued at Rs.1.08 crore had been handed over to

<sup>3</sup> Darjeeling and South 24 Parganas

one autonomous body, one State Government Undertaking and one private organization on different dates between September 1999 and October 2002 as detailed below. It was observed that

- In one case, lease agreement was executed with the authority of a private Engineering College in April 2002 by DL & LRO. Against a sum of Rs.1.88 lakh payable by the lessee as advance for first year's rent, Rs.0.66 lakh were recovered. Besides salami amounting to Rs.18.76 lakh though realisable was not realised;
- In two cases though no lease agreement was executed, 3.7 acres of land was handed over between September 1999 and October 2002 to one autonomous body and one State Government undertaking without realisation of rent and salami of Rs.59.95 lakh. This resulted in non-realisation rent and salami amounting to Rs.79.93 lakh.

The DL & LROs stated between August 2002 and September 2003 that action would be taken to settle the cases. Further reply had not been received (December 2004).

The cases were reported to the Government between August 2003 and December 2003; followed by reminders issued up to July 2004; their reply has not been received (December 2004).

### **3.5 Non realisation of revenue due to non-settlement/non-realisation of lease rent**

Under the provisions of the W B L & L R Manual, all sairati interests like fisheries, khal etc. should be leased out on year to year basis, but not exceeding seven years. The Collector has to fix the economic lease rent and realise 25 per cent of the same at the time of settlement of sairati interests and the balance before the beginning of the year. Rents for the successive years are to be deposited by the lessee in full before the beginning of the respective year and a lease agreement is required to be executed beforehand.

Scrutiny of records of three<sup>4</sup> DL&LR offices revealed that in five cases involving 368.06 acres of water areas were not leased out during the period from 1998-99 to 2001-02. This resulted in loss of revenue of Rs.1.66 lakh.

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<sup>4</sup> Nadia, North 24 Parganas and South 24 Parganas

Further, 68 cases involving 3,635.55 acres water areas were settled on lease basis for the years from 1998-99 to 2002-03 for which lease rent of Rs.4.49 lakh was recoverable. However, demand for realisation was not raised at all in 63 cases while in other five cases though it was raised no recovery was made. This resulted in non realisation of Rs.6.25 lakh.

This was pointed out to the District authorities who stated between October 2002 and September 2003 that action would be taken to realize the dues/settle the sairati interests.

The cases were reported to Government between March 2003 and November 2003 followed by reminders issued up to July 2004; their reply had not been received (December 2004).