

**Land Acquisition
NOTIFICATIONS.**

Birbhum.—No. 16098L.A.—14th August 1953.
—The following agreement is published under section 42 of the Land Acquisition Act, I of 1894, for general information:—

Agreement.

Memorandum of Agreement made this thirteenth day of August One thousand nine hundred and fifty-three between the Visva-Bharati, a Society registered under the Societies Registration Act XXI of 1860 and having its registered office at Santiniketan in the district of Birbhum in West Bengal (hereinafter called the Society) of the one part and the Governor of the State of West Bengal (hereinafter called the Governor) of the other part.

Whereas for the purpose of Pisciculture and Irrigation of the Agricultural and other educational Institutions promoted and established by the Society at Santiniketan in the district of Birbhum the Society has applied to the Government of West Bengal for the acquisition under the provisions of the Land Acquisition Act, 1894, of the piece or parcel of land containing 8-12 acres or thereabout situate in the village of (1) Goalpara, (2) Boyradihi, and (3) Shyambati, all in the district of Birbhum, and more particularly described in the schedule hereto and delineated in the plan* hereunto annexed.

And whereas the said Government of West Bengal, being satisfied by an enquiry held under section 40 of the said Act that the proposed acquisition is needed for the aforesaid purpose and that the said work is likely to prove useful to the public, has consented to acquire on behalf of the Society the piece or parcel of land hereinbefore described.

And whereas the said Government of West Bengal has required the Society under the provisions of section 41 of the abovementioned Act to enter into the agreement with the Governor herein-after contained. Now this Indenture witnesseth that it is hereby agreed and declared as follows:—

(1) On demand Society shall and will pay to the said Government of West Bengal all and every compensation in respect of the said land tendered, paid or awarded or to be tendered, paid or awarded by the Collector under the Land Acquisition Act, 1894, or by Court to which a reference under Part III of the said Act may be made, or by the Court or Courts to which an appeal from the award of the said Court may be preferred and all costs, charges and expenses of the proceedings in the aforesaid Courts, or otherwise incidental to the proposed acquisition or payable in respect thereof under the provisions of the said Act.

*Not printed but may be inspected in the office of the Land Acquisition Collector of Birbhum.

(2) On demand made by the said Collector the obligations of the Society under the last preceding clause not being thereby limited, the Society shall and will deposit with the said Collector such sum or sums of money as in his discretion the said Collector may in anticipation estimate to be necessary for the purposes mentioned in the last preceding clause.

(3) On payment by the Society of all demands under the foregoing first clause, or, in the discretion of the said Government of West Bengal (on deposit by the Society of all estimated amounts as provided in the second clause), but not before possession shall have been taken under the provisions of the abovementioned Act, the Governor shall make over possession of the said land to the Society and shall execute and do all such acts and deeds as may be necessary and proper for effectually vesting the same in the Society.

(4) The said land shall be held by the Society for the purposes of pisciculture and irrigation as are hereinbefore mentioned and without the sanction in writing of the said Government of West Bengal first had and obtained for no other purpose whatsoever.

(5) The said work of expansion shall be carried out by excavating a tank for the aforesaid purposes and shall be completed (and fully equipped in all respects ready for use) and put into working order within 5 years from the date on which possession of the said land shall have been given to the Society.

(6) Should the said expansion be not completed (and fully equipped in all respects ready for use) within the period stated in the last preceding clause or within such further period as in its discretion may be prescribed or allowed by the said Government of West Bengal or should the said land at any time thereafter cease for a period of twenty-four consecutive months, to be held and used or cease to be required for the purpose or purposes provided for in the foregoing fourth clause then and in any such case, the said Government may summarily re-enter upon and take possession of the said land together with all buildings thereon, whether such buildings were erected before or after transfer of the land to the Society, and thereupon the interest of the Society in the said land and buildings shall absolutely cease and determine.

(7) On taking such possession the said Government may sell or otherwise deal with the said land and buildings as it may think proper. (i) Should the said Government sell the land with the buildings the said Government after deducting the expenses incurred in connection with the said taking of possession and with such sale shall pay the proceeds to the Society. (ii) Should the said Government decide not to sell the land and buildings, the said Government shall retain the said land and buildings thereon in which case the Governor shall repay to the Society the market-value as on the day of re-entry of all the buildings erected by the Society and all sums received from the Society in respect of all and every compensation as provided in the foregoing first clause (less the statutory allowance of 15 per cent. and less any amount received on account of trees and buildings which are not in existence at the time of resumption), but will not repay any sums paid and received on account of costs, charges and expenses. (iii) Should the said Government decide to sell the buildings only upon such sale, the Governor after deducting the expenses of taking possession and selling, pay the balance of the proceeds of sale to the Society, together with the sum received from the Society in respect of the compensation for the land (less the statutory allowance of 15 per cent. and less any amount received from the Society on account of trees and buildings which are not in existence at the time of resumption), but will not

roy any sum paid or received on account of costs, charges and expenses.

(8) The said activities of Pisciculture and irrigation of the Society to be established or extended to the aforesaid lands shall be so maintained as to confer the following benefits on the public, namely:—

- (i) The Head of the Directorate in charge of Agriculture and Animal Husbandry and/or of Fisheries in West Bengal or any Officer authorised by him shall be given all reasonable facilities by the Society to take parties of students or members of the public interested in pisciculture or irrigation over the tank of the Society to view the process in operation.
- (ii) Facilities will be afforded to recognised organisations interested in pisciculture or irrigation to view the said tank on reasonable conditions after making necessary arrangements with the manager of the Society.

(9) Should any dispute or difference arise touching or concerning the subject-matter of this agreement or any covenant clause or thing herein contained the same shall be referred to the said Government of West Bengal and the opinion and the decision of the said Government upon such dispute or difference shall be final and conclusive and binding on the parties hereto.

The Schedule above referred to:—

All that piece or parcel of land by estimation 8.12 acres, lying at mauzas Goulpara, Boyradihi and Shyambati; all of pargana Barbeksing; police-station Bolpur; district Birbhum; comprising cadastral survey plots noted below:

Settlement plot No.	Area in acres.	Name of village.	Pargana with Touzi No.	Thana.
Part of 601	2.92	Goulpara	Barbeksing, Touzi No. 141.	Bolpur.
Do 242	.46	Boyradihi	Ditto	Ditto.
Do 243	4.12	Ditto	Ditto	Ditto.
Do $\frac{282}{308}$.41	Shyambati	Ditto	Ditto.
Do $\frac{282}{311}$.21	Ditto	Ditto	Ditto.


Total .. 8.12 acres.

In witness whereof the abovenamed Visva-Bharati has caused its common seal to be affixed and the Governor of West Bengal hath hereunto set his hand and seal the day and year first abovementioned.

The common seal of the abovenamed Visva-Bharati was hereto affixed in the presence of

Witness:


Achyutananda Ghosh,
Santiniketan.
Pankaj Chandra Ukil
Banerjee,
Santiniketan.


R. N. Tagore,
General Secretary,
Visva-Bharati.

Signed sealed and delivered by the Member, Board of Revenue and *ex-officio* Secretary to the Government of West Bengal in the Land and Land Revenue Department on behalf of the Governor of West Bengal in the presence of—

Witness:

Haraprasad Mookerjee, Registrar, Land and Land Revenue and Tribal Welfare Departments.
13-8-1953.


S. Banerjee, Member, Board of Revenue and *ex-officio* Secretary to the Government of West Bengal in the Land and Land Revenue Department.
13-8-1953.