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Kolkata



सत्यमेव जयते

District Magistrate
Alipurduar

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PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL
 Department of Urban Development & Municipal Affairs
 (Municipal Affairs Branch)
 'Nagarayan', DF - 8,
 Sector - I, Salt Lake, Kolkata - 700064

Additional District Magistrate
Alipurduar
Confidential SectionDocket No. 447
Date 12/02/2021

NOTIFICATION

No.220/UDMA-15011(19)/4/2020-LS-MA SEC

Dated, Kolkata, the 11th day of February, 2021

WHEREAS it appears to the Governor that Falakata in the district of Alipurduar (hereinafter referred to as the said town)—

- (1) contains a population of 55,039 which is not less than 30,000 inhabitants;
- (2) has a density of population of 812 per square kilometre which is not less than seven hundred and fifty inhabitants per square kilometre of area; and
- (3) has an occupational pattern of 92.80% which is more than one half of the adult population who are chiefly engaged in pursuits other than agriculture;

AND WHEREAS the Governor is satisfied that if the said town with the proposed area of 67.73 sq. Km. is constituted a municipal area, the municipal income from taxation and other sources is likely to be adequate for the discharge of the municipal function under the West Bengal Municipal Act, 1993 (West Ben. Act XXII of 1993) (hereinafter referred to as the said Act);

NOW, THEREFORE, in exercise of the power conferred by section 3 of the said Act, the Governor is pleased hereby to declare his intention to constitute the said town consisting of the land, description of which has been specified in the schedule below, a municipal area, namely 'Falakata Municipal area' in the district of Alipurduar:

The Schedule

Sl. No.	Name of Panchayat	Name of Mouza	J.L. No.	Remarks
1.	Falakata - 1	Falakata	21	Full Mouza
2.	Falakata - 1	Raichenga (Part)	63	1 - 546 (Sheet - 1)
3.				

Sl. No.	Name of Panchayat	Name of Mouza	J.L. No.	Remarks
4.	Parengerpar	Parengerpar	22	Full Mouza
5.	Parengerpar	Baganbari	23	Full Mouza
1.	Falakata - 2	Raichenga (Part)	63	66, 71, 483, 701-715, 719-728, 730, 735, 736, 738-740, 742-745, 747-763, 765, 766, 769-775, 777, 779, 780, 783-797, 801, 803-823, 825-828, 831, 839, 844, 847-850, 852-854, 856, 857, 860, 861, 863-865, 867, 869, 870, 872-882, 886, 890-892, 895, 897-899, 901, 902, 904-910, 914, 917-919, 922, 924-926, 929-933, 935-937, 940-944, 946, 949, 950, 954-956, 958, 960, 968-988, 991-998, 1000-1007, 1018-1020, 1024, 1025, 1053-1057, 1059-1060, 1062, 1066, 1067, 1069-1070, 1093-1102, 1106-1108, 1110, 1112-1117, 1119, 1121, 1122, 1124, 1126-1127, 1130, 1131, 1134, 1135, 1139, 1140, 1146, 1149, 1153, 1156, 1159-1170, 1172-1174, 1177, 1178, 1186, 1188, 1197, 1200-1209, 1211-1214, 1216-1220, 1222, 1223, 1228, 1229, 1245-1249, 1401-1402, 1601-1613, 1634, 1669, 1670, 1692, 2122, 2500, 2501, 3101-3112, 3114-3123, 3126-3129, 3131-3133, 3135-3143, 3146, 3149-3160, 3162, 3163, 3165, 3167, 3169, 3170, 3172, 3173, 3175-3190, 3195, 3197-3209, 3211, 3217, 3224, 3226, 3227, 3229-3238, 3242, 3246, 3249-3266, 3269, 3270, 3272, 3274-3280, 3284-3288, 3293-3297, 3299-3323, 3325, 3332, 3335, 3339, 3430-3433, 3435-3444, 3491-3495, 4342, 4344.
2.	Falakata - 2	Chuakhola	59	1-1184, 1192-1199, 1204-1205, 1237-1243, 1247-1248, 1251-1256, 1279, 1281-1282, 1284-1286, 1311-1312, 1315-1316, 1319, 1321, 1336, 1338, 1340, 1343-1344, 1346-1347, 1349-1352.
3.	Falakata - 2	Dakshin Parengerpar	60	1601-2287, 2368-2379

2. Any objection to the proposal which may be received by the undersigned from any inhabitant of the said town within thirty days from the date of publication of this notification in the Official Gazette shall be taken into consideration.

By order of the Governor,

K. AHMED

Principal Secretary to the Government of West Bengal.

PART II THE MUNICIPAL AREAS

CHAPTER II

The Constitution of Municipal Areas

3. Declaration of intention to constitute a municipal area.—Whenever it appears to the ¹[Governor] that any town, together with, or exclusive of, any railway station, village, land or building in the vicinity of any such town —

- (i) contains a population of not less than ²[30,000] inhabitants,
- (ii) has a density of population of not less than seven hundred and fifty inhabitants per square kilometre of area, and
- (iii) has an occupational pattern in which more than one-half of the adult population are chiefly engaged in pursuits other than agriculture, and

if the ¹[Governor] is satisfied that if such town is constituted a municipal area, the municipal income from taxation and other sources is likely to be adequate for the discharge of municipal function under this Act, the ¹[Governor] may, by notification, declare ³[his] intention to constitute such town a municipal area under this Act :

⁴[Provided that notwithstanding anything contained in clauses (i) to (iii) of this section, the State Government may, by notification, determine separate conditions to constitute any area of the hill areas a municipal area.]

4. Publication of declaration.—(1) The notification about the constitution of a municipal area shall be published in the *Official Gazette* and in at least two leading newspapers, one of which shall be in vernacular intelligible to the inhabitants of the local area concerned.

(2) A copy of the notification shall also be pasted up in a conspicuous place in the office of the District Magistrate, and in such other public places as the State Government may direct.

(3) A public proclamation about the constitution of a municipal area shall be made either by beating of drum throughout the local area concerned or through any other publicity media.

5. Consideration of objection.—Any inhabitant of the town or local area in respect of which the notification has been published under section 4 may, if he objects to anything contained in the notification, submit his objection in writing to the State Government within ⁵[thirty days] from the date of publication in the *Official Gazette*, and the State Government shall take his objection into consideration.

6. Constitution of municipal area.—On the expiry of ⁶[thirty days] from the date of publication of the notification in the *Official Gazette* and after

1. Subs. by the W.B. Act XXX of 1994, w.e.f. 13.7.1994, for "State Government".
2. Subs. by s. 3 of the West Bengal Municipal (Amendment) Act, 2002 (W.B. Act XVI of 2002), w.e.f. 15.9.2004, for "20,000".
3. Subs. by W.B. Act XXX of 1994, w.e.f. 13.7.1994, for "its".
4. Proviso added by the W.B. Act XIII of 1995, w.e.f. 5.9.1995.
5. Subs. by s. 2 of the West Bengal Municipal (Amendment) Act, 2015 (W.B. Act XI of 2015), w.e.f. 4.5.2015, for "three months".
6. Subs. by s. 3, *ibid*, w.e.f. 4.5.2015, for "three months".

consideration of all or any of the objections which may be submitted, the ¹[Governor] may, by notification, constitute such town or any specified part thereof a municipal area ²[with a specific nomenclature] under this Act.

³[Provided that the Governor may change the nomenclature of a municipal area under this section :

Provided further that for change of nomenclature of a municipal area the provisions of section 4 and section 5 shall *mutatis mutandis* be followed.]

7. Power to classify municipal areas.—The State Government may, for the purpose of application of the provisions of this Act, classify the municipal areas into the following groups on the basis of the population as ascertained at the last preceding census of which the relevant figures have been published :

- Group A — municipal areas having population above ⁴[2,15,000].
- Group B — municipal areas having population above ⁵[1,70,000] but not exceeding ⁶[2,15,000].
- Group C — municipal areas having population above ⁷[85,000] but not exceeding ⁸[1,70,000].
- Group D — municipal areas having population above ⁹[35,000] but not exceeding ¹⁰[85,000].
- Group E — municipal areas having population not exceeding ¹¹[35,000] :

¹²[Provided that for the purpose of classification of municipal areas of the hill areas, the State Government may, by notification, determine separate size of population for each such Group.]

8. ¹³Power to determine the number of wards in municipal areas.—The State Government may, by notification ¹⁴[determine the number of wards in any municipal area], having regard to population, dwelling pattern, geographical condition and economic considerations of the area included in each ward :

Provided that the number of wards in any municipal area shall not be less than nine and shall not exceed, in the case of a municipal area included in Group A, thirty-five, in the case of a municipal area included in Group B, thirty, in the case of a municipal area included in Group C, twenty-five, in the case

1. Subs. by the W.B. Act XXX of 1994, w.e.f. 13.7.1994, for "State Government".
2. Ins. by s. 4(a) of the W.B. Municipal (Amendment) Act, 2013 (W.B. Act VIII of 2013), w.e.f. 15.5.2013.
3. Proviso added by s. 4(b), *ibid*, w.e.f. 15.5.2013.
4. Subs. by s. 4 of the West Bengal Municipal (Amendment) Act, 2002 (W.B. Act XVI of 2002), w.e.f. 15.9.2004 for "2,00,000".
5. Subs. by *ibid*, w.e.f. 15.9.2004 for "1,50,000".
6. Subs. by *ibid*, w.e.f. 15.9.2004 for "2,00,000".
7. Subs. by *ibid*, w.e.f. 15.9.2004 for "75,000".
8. Subs. by *ibid*, w.e.f. 15.9.2004 for "1,50,000".
9. Subs. by *ibid*, w.e.f. 15.9.2004 for "25,000".
10. Subs. by *ibid*, w.e.f. 15.9.2004 for "75,000".
11. Subs. by *ibid*, w.e.f. 15.9.2004 for "25,000".
12. Proviso added by the W.B. Act XIII of 1995, w.e.f. 5.9.1995.
13. Subs. by the W.B. Act XXX of 1994, w.e.f. 13.7.1994, for "Power to divide municipal areas into wards".
14. Subs. by *ibid*, w.e.f. 13.7.1994, for "divide any municipal area into a number of wards".

of a municipal area included in Group D, twenty, and in the case of a municipal area included in Group E, fifteen :

¹[Provided further that the State Government may, by notification, determine the number of wards in the municipal area of a Municipality in such phases as the Government may deem fit.]

9. Power to abolish or alter limits of a municipal area.—The State Government may, by notification, —

- (a) withdraw any municipal area from the operation of this Act; or
- (b) exclude from a municipal area, any local area comprised therein and defined in the notification; or
- (c) include within a municipal area any local area contiguous to the same and defined in the notification; or
- (d) divide any municipal area into two or more municipal areas; or
- (e) unite two or more municipal areas so as to form one municipal area; or
- (f) revise the boundary of two or more contiguous municipal areas; or
- (g) re-define the boundaries or limits of a municipal area; or

²[(h) * * *]

Provided that the procedure laid down for the constitution of a municipal area under this Act shall be followed *mutatis mutandis* in each such case :

Provided further that the views of the Municipality affected by any such order ³[expressed in writing within the time stipulated in such order,] shall be taken into consideration before a final declaration is made.

⁴[Provided also that no such notification shall be issued —

- (i) under any of the clauses (a) to (g) in respect of the municipal area which complies with the provisions of clauses (ii) and (iii) of section 3, except after taking into consideration the views of the Board of Councillors concerned ⁵[if such views is expressed in writing within the period as stipulated in the notification expressing intention of the Governor to act under clauses (a) to (g)];
- (ii) under clause (c), unless the State Government is satisfied that the local area complies with the provisions of clauses (ii) and (iii) of section 3;
- (iii) where any part of the municipal area or the local area is a cantonment or part of a cantonment, as defined in the Cantonments Act, 1924 (2 of 1924).]

10. Power to include certain dwelling house, manufactory, etc. within a particular municipal area.—Where a dwelling-house, manufactory,

1. Ins. by the W.B. Act XLV of 1994, w.e.f. 10.10.1994.

2. Omitted by the W.B. Act XXX of 1994, w.e.f. 13.7.1994, which stood as under :

"(h) revise the number of boundaries of wards comprised in a municipal area".

3. Ins. by s. 3(1) of the W.B. Municipal (Amendment) Act, 2006, (W.B. Act XXII of 2006), w.e.f. 1.10.2006.

4. Added by the W.B. Act XXXII of 1997, w.e.f. 18.3.1998.

5. Ins. by s. 3(2) of the W.B. Municipal (Amendment) Act, 2006, (W.B. Act XXII of 2006), w.e.f. 1.10.2006.

warehouse, or place of industry or business is situated within the limits of two or more adjacent municipal areas, the State Government may, notwithstanding anything contained in this Act, by notification, declare within which of these municipal areas such dwelling-house, manufactory, warehouse, or place of industry or business shall be deemed to be included for the purposes of this Act.

11. Power to exempt municipal area from operation of any provisions of the Act unsuited thereto.—(1) The State Government may, by notification and for reasons to be recorded in writing, exempt any municipal area or municipal areas of any group from the operation of any of the provisions of this Act considered unsuited thereto, and thereupon the said provisions shall not apply to such municipal area or municipal areas until such provisions are applied thereto by notification.

(2) While the exemption as aforesaid remains in force, the State Government may make rules consistent with the provisions of this Act in respect of any matter within the purview of such provisions of this Act from the operation of which the municipal area or municipal areas as aforesaid are exempted.

CHAPTER III

The Municipal Authorities

12. Municipal authorities.—The municipal authorities charged with the responsibility of carrying out the provisions of this Act shall, for each municipal area, be as follows :

- (a) the Municipality,
- (b) the Chairman-in-Council, and
- (c) the Chairman.

13. The Municipality.—¹[(1) The Municipality established for a town shall mean the Board of Councillors charged with the authority of municipal government of the town, and shall consist of —

- (a) such number of elected members as there are wards within the municipal area, and
- (b) persons having special knowledge or experience in municipal administration as may be nominated by the State Government from time to time, provided that such persons shall not have the right to vote in the meetings of the Municipality.]

(2) The Municipality shall be a body corporate with perpetual succession and a common seal, and may, by the name of the Municipality of the town reference to which the Municipality is known, sue and be sued.

(3) All executive actions of the Chairman-in-Council shall be expressed to be taken in the name of the Municipality.

1. Subs. by the W.B. Act XXX of 1994, w.e.f. 13.7.1994, for "(1) The Municipality established for a town shall mean the Board of Councillors consisting of such number of members as there are wards within the municipal areas, charged with the authority of municipal government of the town."