

THE LAND ACQUISITION (COMPANIES) RULES, 1963

G.S.R. 1073, dated 22nd June, 1963 - In exercise of the powers conferred by Section 55 of the Land Acquisition Act, 1894 (1 of 1894), the Central Government hereby makes the following rules for the guidance of the State Governments and the Officers of the Central Government and of the State Government namely ;

1. Short title and applications.- These rules may be called the Land Acquisition (Companies) Rules, 1963.

(2) These rules shall apply to acquisition of land for all companies under Part VII of the Act.

2. Definition.- In these rules .-

(i) "Act" means the Land Acquisition Act, 1894(1 of 1894), and

(ii) "Committee" means the Land Acquisition Committee constituted under Rule 3

3. Land Acquisition Committee: (1) For the purpose of advising the appropriate Government in relation to acquisition of land under Part VII of the Act the appropriate Government shall, by notification in the official Gazette, constitute a committee to be called the Land Acquisition Committee.

[(2) The Committee shall consist of -

(i) the Secretaries to the Government of the Departments of Revenue, Agriculture and Industries or such other officers of each of the said Department as the appropriate Government may appoint ;

(ii) such other members as the appropriate Government may appoint for such term as that Government may, by order, specify, and

(iii) The appropriate Government or any officer nominated by him dealing with the purposes for which the company purposes to acquire the land].

(3) The appropriate Government shall appoint one of the members of the Committee to be its chairman.

(4) The committee shall regulate its own procedure.

(5) It shall be the duty of the Committee to advise the appropriate Government on all matters relating to or arising out of acquisition of land under part VII of the Act on which it is consulted and to tender its advice within one month from the date on which it is consulted.

Provided that the appropriate Government may on a request being made in this behalf by the Committee and for sufficient reasons extend the said period to a further period not exceeding two months.

4. Appropriate Government to be satisfied with regard to certain matters before initiating acquisition proceedings.- (1) Whenever a company makes in application to the appropriate Government for acquisition of any land, that Government shall direct the Collector to submit a report to it on the following matters namely :-

(i) that the company has made its best endeavour to find out lands in the locality suitable for the purpose of acquisition.

(ii) that the company has made all reasonable efforts to get such lands by negotiation with the person interested therein on payment of reasonable price and such efforts have failed,

(iii) that the land proposed to be acquired is suitable for the purpose ;

(iv) that the area of land proposed to be acquired is not excessive ;

(v) that the company is in a position to utilize the land expeditiously ; and

(vi) where the land proposed to be acquired is good agricultural land that no alternative suitable site can be found so as to avoid acquisition of that land.

(2) The Collector shall, after giving the company a reasonable opportunity, to make any representation in this behalf, hold an inquiry into the matters referred to in sub-rule (1) and while holding such enquiry, he shall,

(i) in any case where the land proposed to be acquired is agricultural land, consult the Senior Agricultural Officer of the District whether or not such land is good agricultural land.

(ii) determine, having regard to the provisions of Section 23 and 24 of the Act, the approximate amount of compensation likely to be payable in respect of the land, which, in the opinion of the Collector , should be acquired for the company, and]

(iii) ascertain whether the company offered a reasonable price (not being less than the compensation so determined), to the persons interested in the land proposed to be acquired.

Explanation- For the purpose of this rule “good agricultural Land” means any land which, considering the level of agricultural production and the crop pattern of the area in which it is situated, is of average or above average productivity and includes a garden or grove land.

(3) As soon as may be after holding the enquiry under sub-rule (2), the Collector shall submit a report to the appropriate Government and a copy of the same be forwarded by the Government to the Committee.

(4) No declaration shall be made by the appropriate Government under Section 6 of the Act unless-

(i) the appropriate Government has consulted the Committee and has considered the report submitted under this rule and the report, if any, submitted under Section 5-A of the Act, and

(ii) the agreement under Section 41 of the Act has been executed by the Company.

5. Matters to be provided in the agreement under Section 41.- (1) The terms of the agreement referred to in section 41 of the Act shall include the following matters, namely :-

(i) that the company shall not, except with the previous sanction of the appropriate Government, use the land for any purpose other than that for which it is acquired ;

(ii) the time within which the dwelling houses or amenities directly connected therewith shall be erected or provided or the building or work shall be constructed or executed shall not exceed three years from the date of transfer of the land to company ;

(iii) that where the appropriate Government is satisfied after such enquiry as it may deem necessary that the company was prevented by reasons beyond its control from executing, providing, construction or executing dwelling houses or amenities or any building or work within the time specified in the agreement, the appropriate Government may extend the time of that purpose by a period not exceeding one year at a time so however that the total period of extension shall not exceed three years.

(iv) that if the company commits a breach of any of the conditions provided for in the agreement, the appropriate Government may make an order declaring the transfer of the land to the company as null and void whereupon the land shall revert back to the appropriate Government and directing that an amount not exceeding one-fourth of the amount paid by the company to the appropriate Government as the cost of acquisition under clause (1) of Section 41 of the Act shall be forfeited to the appropriate government as damages and the balance shall be refunded to the company, and the order so made shall be final and binding.

(v) that if the company utilises only a portion of the land for the purpose for which it was acquired and the appropriate Government is satisfied that the company can continue to utilise the portion of the land used by it even if the unutilised part thereof is resumed, the appropriate Government may make an order declaring the transfer of the land with respect of the unutilised portion thereof as null and void whereupon such unutilised portion shall revert back to the appropriate Government and directing that an amount not exceeding one-fourth of such portion of the amount paid by the company as cost of acquisition under clause (1) of Section 41 of the Act as is relatable to the unutilised portion shall be forfeited to the appropriate Government as damages and that balance of that portion shall be refunded to the company and that order so made shall, subject to the provisions of clause (vi), be final and binding.

(vi) that where there is any dispute with regard to the amount relatable to the unutilised portion of the land, such dispute shall be referred to the court within whose jurisdiction the land or any part thereof is situated and the decision of that court thereon shall be final.

(2) Where the company commits a breach of any of the terms of the agreement, the appropriate Government shall not make an order under clause(vi) or clause(v) of sub-rule (1), unless the company has been given opportunity of being heard in the matter.

(3) The appropriate Government shall consult the Committee before according any sanction under clause (i) of sub-rule (i) or extending the time under clause(iii) or making any order under clause(iv) or clause (v) of that sub-rule.

6. Additional matters which may be provided in the agreement under Section 41:- (1) Without prejudice to the provisions of Rule 5, the terms of the agreement referred to section 41 of the Act may also include the following matters, namely :-

that before an award has been made under section 11 of the Act, the company shall deposit with the Collector, free of interest, such amount (being not more than two-thirds of the approximate amount of compensation payable in respect of the land) as determined under clause (ii) of sub-rule (2) of Rule 4 and within such time as the Collector thinks fit to specify in this behalf.

(2) Where any amount has been deposited with the Collector under sub-rule(1), the Collector shall tender payment of the amount so deposited to the persons interested who in the opinion of the Collector, are entitled to receive payment of compensation under sub-section(1) of Section 31 of the Act and shall pay it to them, unless prevented by some one or more of the contingencies mentioned in sub-section (2) of Section 31 of the Act, subject to the following conditions, namely :

(i) the execution of an agreement by each recipient that the amount received by him would be adjusted against the compensation finally awarded and that where the amount received by him exceeds the amount of the compensation finally awarded, the excess amount shall be recoverable from him as arrear of land revenue and that he shall not claim any interest under provisions of the Act in

respect of the amount received by him under this sub-rule; and

(ii) the execution of a bond by each recipient with or without security as the Collector may decide undertaking to indemnify the appropriate Government against any claim for compensation or payment thereof by any other person.

(3) If the amount deposited by the company under sub-rule (1) or any part thereof is not paid under sub-rule (2) the Collector shall, as soon as practicable, refund the same to the company.

7. Submission of periodical report :- For the purpose of ensuring that the conditions provided for in the agreement executed by the company are complied with the appropriate Government may direct the Collector or such other officer as that Government may appoint for the purpose, to submit to it and to the Committee, a periodical report, at such intervals of time as it may specify, indicating the conditions which have been or have not been complied with as well as the steps taken by the company towards their compliance.

8. Conditions under which sanction may be given for transfer of land.- Where a company for which land has been acquired under the Act applies for the previous sanction of the appropriate Government for the transfer of that land or any part thereof by sale, gift, lease or otherwise, no such sanction shall be given unless.

(i) the proposed transfer of land along with dwelling houses, amenities, buildings of work, if any, is to some other company or where the company is co-operative society, such transfer is to any or all of its members, or

(ii) where the land has been acquired solely for the erection of dwelling houses for workmen employed by the company, the proposed transfer of the land along with dwelling houses, if any, is to such workmen or their dependent heirs :

Provided that before giving any such sanction the appropriate Government shall consult the Committee

9. Special provision in relation to certain companies.- Where an application is made to the appropriate Government for acquisition of any land by a company, such acquisition shall ordinarily be made in accordance with the provision of Part VII of the Act.

10. Repeal : All rules made by the appropriate Government for the guidance of its officers with respect to acquisition of land for companies under Part VII of the Act and in force immediately before the commencement of these rules shall, to the extent of the repugnancy, cease to have effect.

THE PONDICHERRY LAND ACQUISITION RULES, 1963

In exercise of the powers conferred by section 55 of the Land Acquisition Act, 1894 (1 of 1894) read with Section 6(2) of the Pondicherry (Laws) Regulation 1963 (No.7 of 1963), the Lt.Governor, hereby makes the following rules namely ;

1.Short title and application :- (1) These rules may called the Land Acquisition (Pondicherry) Rules, 1963.

(2) These rules shall apply to acquisition of lands for a public purpose under the Act.

2. Definitions- In these rules.-

(i) " Act" means the Land Acquisition Act, 1894 (1 of 1894);

(ii) "Government" means the Administrator of Pondicherry appointed under the Art. 239 of the Constitution ; and

(iii) "Collector" means the Chief of Contributions Department or any other who may be declared as Collector from time to time

3. Immediately after the publication of the notification under section 4 (1), the Collector shall issue a notice stating that the land is needed or is likely to be needed, as the case may be, for a public purpose and requiring all persons interested in the land to lodge before the Collector within 30 days after the issue of the notification, a statement in writing of their objections if any, to the proposed acquisition. This notice should be published at convenient places in the said locality, and copies thereof fixed up on the office of the Collector and the office of the Controller of the commune concerned.

4. The statement of objection should mention how the objector is interested in the land.

5. (a) If a statement of objection is filed by a person who has no interest in the land, it shall be summarily rejected.

(b) If any objections are received from a person interested in the land and within the time prescribed in subsection (1) of section 5-a, the Collector shall fix a date of hearing the objections and give notice thereof to the objectors as well as to the Department or Company requiring the land, where such department is not the Revenue Department. Copies of the objections shall also be forwarded to such Department or Company. The Department or Company may file on or before the date fixed by the Collector a statement by way of answer to the objections and may also depute a representative to attend the enquiry.

(c) On the date fixed for enquiry and or any other date to which the enquiry may be adjourned by the Collector, the Collector shall hear the objector or his pleader and the representative, if any, of the Department or Company and record any evidence that may be produced in support of the objections.

6. On completion of his enquiry, the Collector shall submit the case for the decision of the Government through the Finance Department in the manner provided in section 5-A(2) of the Land Acquisition Act.

7. On a consideration of the objections and the Collector`s report thereon, if Government decide that the land should be acquired, the declaration required under section 6 of the Act should be submitted by the Collector concerned to Government for approval and publication in the official gazette. If, on the other hand, Government decide to give up the acquisition, a notification under section 48(1) withdrawing from such acquisition shall be published by them.

GOVERNMENT OF PONDICHERRY

REVENUE DEPARTMENT

No. 19732/86/B1

Pondicherry, 23.6.1988

THE LAND ACQUISITION (PONDICHERRY) AMENDMENT RULES, 1988

In exercise of the powers conferred by section 55 of the Land Acquisition Act, 1894 (Central Act No.1 of 1894), the Lieutenant-Governor hereby makes the following rules, namely :-

1. Short title.- These rules may be called the Land Acquisition (Pondicherry)Amendment Rules, 1988.

2. Adding of rules 7-A and the schedule.- In the Land Acquisition (Pondicherry)Rules, 1963, after rule7, the following rule and the schedule shall be added, namely :-

“7-A(1) All the persons interested in the land who agree on matters to be included in the award of the Collector shall execute an agreement with the Government in the form set out in the schedule.

(2) The authority competent to execute the agreement on behalf of the Government shall be the person who is authorised by the President of India to execute contracts under Article 299 of the Constitution in relation to the department for whose benefit the land is acquired.”

THE SCHEDULE

(See rule 7-A)

Agreement to be executed when land is acquired for public purposes by agreement between the persons interested and the acquiring body.

An agreement made this.....day of.....
20.....Between.....hereinafter
called the `Owner` (which expression shall unless repugnant to the context or meaning thereof
include his heirs, executors and administrators) and.....
Hereinafter called `Interested party` [which expression shall unless repugnant to the context or mean
ing thereof include their successors and assignees (to be scored out if there is no interested party)] on
the one part and the President of India acting through.....
Hereinafter called the `Government` on the other part.

And whereas the right, title and interest of the owner/owners and the interested party/parties in the following land/lands hereinafter called the "said land/lands" is/are as specified below:

(a) Owner/owners being the absolute owner/owners of the property or having an interest therein capable of lending to the ownership ultimately, hereinafter mentioned and hereby conveyed in the following shares, that is to say-

(1).....S/o.....Share.....

(2)..... S/o.....Share.....

(3).....S/o.....Share.....

(b) Where the land/lands are held by the interested party/parties under the owners named hereinabove with respective terms and nature of interest-

(1)S/oDefinite terms
and nature of interest.....

(2)S/oDefinite terms
and nature of interest.....

(3)S/oDefinite terms
and nature of interest.....

(To be scored out if there is no interested party)

And whereas the said land/lands have been notified for acquisition under section 4 of the Land Acquisition Act, 1894 under Notification No.....dated.....
published on..... and under section 6 of the said Act under
Declaration No.....
dated.....published on.....

And whereas the owner and the interested party agree to refer the matter to the reference of the Collectors and to accept the award to be made thereon as compensation payable under section 23 of the Land Acquisition Act including addition amount @ 12% under sub-section (1-A), solatium @ 30% under sub-section (2) thereof for the said land/lands and also agree to apportion the same between themselves as stated in detail at the end ;

And whereas the owner and the interested persons further agree to deduction of the total amount shown in the award, in case any or all of the said thing(s) attached to the earth or permanently fastened to anything attached to the earth is withdrawn with the prior approval of the Land Acquisition Collector.

And whereas the owner and the interested persons further agree to deduction of the amount to be mentioned in the said award in case they are allowed to harvest the standing crop thereon by the Land Acquisition Collector.

Now, therefore, the owner or interested party do hereby agree with the Government as follows ;

(1) That the land acquisition Collector shall be competent to declare the award as per terms of this agreement without any further enquiry which is required to be held under the provisions of the Land Acquisition Act, 1894.

(2) If the Government as deems it necessary to take immediate possession of the land under acquisition even though there is a standing crop on it the Government will be entitled to do so provided that compensation for the standing crop as shown in as per the award is paid.

(3) That the owner and the interested party shall not claim any amount in addition to the amount agreed upon as aforesaid as compensation and accept it without any protest.

(4). If it hereafter or after the payment of compensation as per the award transpires that the owner and/or the interested party is not entitled at all or are not exclusively entitled to the entire amount of compensation awarded by the Land Acquisition Collector in terms of this agreement in respect of the said land/lands as mentioned at the end, the Government is required to pay any compensation to any other person, the owner and the interested party shall on demand refund to the Government the entire amount of money received by them or such amount as may be determined by the Land Acquisition Collector as refundable by them to the Government and shall also indemnify jointly and severally the government against any claim or compensation or part thereof by any other person and against all proceedings and liabilities of any loss or damages suffered or any costs, charges or expenses incurred by Government by reason of the payment to them and the owner and the interested party shall pay the interest 15% for the subsequent years.

(5) If the owner/interested party fails to refund to the Government the amount mentioned in the preceding para, the Government shall have the full right to recover the same as arrears of land revenue or under to proceed under any law in force for recovery of such amount.

(6) Without prejudice to any other remedies for the enforcement of any refund of indemnity the Government may recover any sum determined and certified by the Land Acquisition Collector to be due and payable by the owner and interested party to the Government by way of refund or otherwise under these presents an arrears of land revenue.

(7) If any Government due/shares/premium from this land/lands are payable by the owner or interested party and the loans of any public financial institutions are outstanding against the land/lands the same shall be deducted from the said compensation amount that may be awardable under these presents.

(8) The Government shall bear the stamp duty payable in respect of this agreement

(Schedule of the land/lands)

Area.....acre/ha

Village.....

Taluk/Tahsil.....

District.....

Survey No.	Area	Details of lands if it is part of the survey number (showing four boundaries and ownership of adjoining land holders)	Compensation for land comprised in Col.. 1+2+3
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(1)	(2)	(3)	(4)
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Crop standing thereon		Details of other things attached to the earth		Total Compensation payable	Name and address of the person(s) whom payable and extent thereof
Details	Amount of compensation	Details	Amount of compensation	(4+6+8)	
(5)	(6)	(7)	(8)	(9)	(10)

Signed by the owner of the land and the interested party and the acquiring authority on behalf

of the Governor

Land owners/
INTERESTED PARTIES

1.....

2.....

GOVERNMENT

Full Name.....

Designation.....

WITNESSES

1.

2.

3.

(By order of the Lieutenant Governor)

M. ABUSALIH

Deputy Secretary (Revenue)

Government of Pondicherry

Abstract

LAND ACQUISITION - Land Acquisition Act, 1894 - Instruction for guidance - Issued.

REVENUE DEPARTMENT

G.O.Ms No. 11

Dated : 16-5-1974

ORDER:

The Land Acquisition Act, 1894 has been extended to the Pondicherry state in 1963 and since then Land Acquisition proceedings are instituted under the Central Act. It has been noticed that there is considerable delay in sending the notification under 4(1), Draft declaration under section 6 and amendments/corrections to the requisitioning department and publishing them through the requisitioning departments.

2. It has been decided that all proceedings subsequent to the receipt of the requisition shall be taken by the Revenue Department itself. Therefore, in supercession of the instructions issued in the past, the following instructions are issued for the guidance of all concerned.

1.DRAFT NOTIFICATION STAGE :

1. The Requisitioning Department should send a requisition addressed to the Land Acquisition Officer in the prescribed form furnishing all information on the points mentioned in the requisition. The requisition form should be accompanied by land plan and schedule and clearance certificate, wherever necessary, from the Senior Town Planner. The requisitioning Department should specifically state in the requisition (1) whether administrative approval for the scheme (including the land proposed for acquisition for such scheme) from the Minister-in-charge has been obtained and (2) whether there is sufficient budgetary provision for meeting the cost of acquisition. The requisition form should invariably be accompanied by certificates regarding suitability of sites from Public Health authorities. All Heads of Departments are requested to mark a copy of their requisition to the Collector whenever they send letters to the Deputy Collector (Revenue) for initiating acquisition proceedings.

2. In cases where wet lands are to be acquired the requisition should be submitted to the Land Acquisition Officer only after obtaining the approval of the Chief Secretary to Government. Similarly the prior approval of the Chief Secretary should be obtained in cases in which urgency provision is sought to be invoked in Land Acquisition proceedings.

3. After the receipt by him of the requisition containing full particulars, the Land Acquisition Officer should, after satisfying himself that there is no objection to the proposed acquisition, submit draft declaration under section 6 along with Draft Notification under section 4 (1) of the Act.

II. DRAFT DECLARATION STAGE :

1. As soon as the notification under section 4(1) of the Act is published in the State Gazette, the survey sketches and subdivision sketches and accounts should be prepared by the surveyors who have been entrusted with Land Acquisition work. The survey and subdivisions sketches should be prepared in triplicate, verified and technically scrutinised by the Inspector of Survey. This item of work should be completed within thirty days from the date of publication of the notification under

section 4 (1). While subdividing the lands for this purpose, the Surveyors should see that the new sub-dividing are duly demarcated with survey stones. In all cases of acquisition the Director of Survey and Land Records should make arrangements to provide the required number of survey stones.

2. Simultaneously, the Tahsildars/Deputy Tahsildars concerned should take details of sales effected during the period of three years immediately preceding the date of publication of the notification under section 4 (1) in the Gazette from the Registration Department, conduct confidential and direct enquiries regarding the bonafides of each transaction. The sales which are considered to have taken place in the normal circumstances should be taken as basis for arriving at the valuation of land under acquisition. It is the personal responsibility of the Land Acquisition Officer that no sale transaction effected during the period of three years preceding the date of notification is omitted in listing out the transactions. After ascertaining the bonafides of the transactions the valuation statement should be prepared as per the Acts and Rules, the average value being arrived at after taking into consideration all bonafide transactions.

3. The valuation statement should be prepared in quadruplicate. One copy should be retained as Office Copy in the Office of the land Acquisition Officer and one copy should be submitted to the District Collector with supporting documents and valuation report for administrative approval. The valuation statement should be checked in the Collector's Office and it should be returned with Collector's approval within ten days. On receipt of the valuation statement duly approved by the District Collector, the other two copies should be sent to the Requisitioning Officer and the Secretary to Government in the concerned requisitioning department one each requesting them to deposit funds or provide additional funds as the case may be if they agree with the valuation. The requisitioning department should accept the valuation and provide funds within ten days.

4. The enquiry under section 5-A of the Act should be conducted by the Land Acquisition Officer on the date fixed after issuing notices to the interested parties over the land allowing sufficient time as required in the Act. If any land owner or interested person files objections to the proposed acquisition, his objection should be reduced in the form of statement and a copy of the same should be sent to the requisitioning department for their remarks within ten days after the last date fixed for receipt of objections. The Requisitioning department should not take more than fifteen days to furnish their comments/clarifications if any. The notice fixing the hearing/enquiry under section 5-A should be served also on the Requisitioning Department. A representative of the Requisitioning Department may be asked to be present at the time of hearing and answer objection, if any, raised.

5. The records of enquiry under section 5-A and the remarks of the Requisitioning Department should be submitted to Government in the Revenue Department, within twenty five days of the date of enquiry, with a draft declaration under section 6 of the Act if the Land Acquisition Officer considers that the objections are on flimsy grounds. If he considers that the objections are bonafide, a clear report with connected records mentioned above should be submitted to Government in the Revenue Department through the Collector for orders.

6. No withdrawal of a case from acquisition will be made unless a specific request in this regard is made by the Requisitioning Department.

III. AWARD STAGE :

1. As soon as the draft declaration under section 6 of the Act is published in the State Gazette, the notices under section 9 and 10 of the Act should be prepared and issued for service and publication as per rules fixing the date of award enquiry. Normally it should be possible to hold the award enquiry after 21 days of the date of publication of the declaration if immediate action is taken to serve and publish the notice under section (1) and (3) without loss of time.

2. On the date fixed for enquiry, the Land Acquisition Officer should conduct the enquiry on the three specific matters : (1) measurement and area of the land, (2) compensation to be awarded, (3) apportionment of compensation. The question of payment and apportionment of compensation should be decided before the award is passed and such points should be incorporated in the award itself . As such the interested parties should be asked to produce encumbrance certificate from Registration department and other documents at the time of award enquiry. The award enquiry may, if necessary, be adjourned till all the required statistics and documents are produced so that the award may be passed correctly after satisfying all the correct owners and the question of compensation after the passing of award and in accordance with the conditions of the award. By this process, delay between the passing of award and payment of compensation will be avoided.

IV. POST AWARD STAGE :

1. Immediately after passing of the award, the Land Acquisition Officer should take steps for taking possession the land acquired and handing it over to the requisitioning department within fifteen days. If the awardees are present at the time of passing of award, the contents of the award should be made known to them and compensation amount tendered to them immediately. The notice of the award under section 12(2) should be served on the absent awardees without delay as any objection can be filed within six weeks of the service of notice or within six months from the date of the award whichever period first expires. Payment of compensation should be made after obtaining the acquittance from the awardees in "C" form cheque in triplicate. In cases where compensation awarded is not claimed by the awardees within the specific time the amount should be kept in Revenue Deposit.

2. In respect of cases referred to Civil Courts, the compensation amount should be deposited with the Civil Court under section 31(2) of the Act and a receipt in form D should be obtained from the Presiding Officer of the Court to which reference has been made. A statement in form "A" showing compensation awarded under section 11 of the Act to all persons interested over the land under acquisition and another statement in form AA showing particulars regarding the acceptance by the persons concerned of amount entered in the award should be sent to audit office.

3. After the award is passed, a notice in the prescribed form should be issued informing the land owners that the lands in question have been acquired by Government and hence that possession of the lands should be handed over to Government within a specified date failing which the matter should be referred to the nearest Magistrate for enforcing surrender of the sites. A statement showing the lands acquired under the award should be sent to the Registration Department. Notice under section 11 of the Pondicherry Survey and Boundaries Act should be published in the State Gazette. To complete the Land Acquisition proceedings, check memo in the prescribed form should be prepared in duplicate keeping one copy with the connected Land Acquisition file and submitting other copy to the Collector.

4. These instructions should be adhered to strictly at every stage of Land Acquisition proceedings.

(BY ORDER OF THE LT. GOVERNOR)

sd/-

R. CLEMENT ILANGO

SECRETARY TO GOVERNMENT

Government of Pondicherry

Abstract

Land Acquisition - Selection of lands and development of the acquired sites and providing of civic amenities - Constitution of Committee - Orders - Issued.

Revenue Department

G.O.Ms.No. 60

Pondicherry, 12-05-80.

Read : G.O.Ms.No.11 dated 16-5-1974 of Revenue Department,Pondicherry

ORDER :

In the Government order cited, detailed instruction to be followed by all Heads of Departments/ Offices regarding the procedure in selecting the site for acquisition etc., were issued. Para 1 and 2 of the Government order cited say that the requisitioning departments concerned should send the requisition forms to the Land Acquisition Officer together with the certificates regarding suitability of sites from Public Health Authorities.. In cases, where wet lands are to be acquired, the requisition should be submitted to the Land Acquisition Officer only after obtaining the approval of the Cheif Secretary. Further, instructions have been issued from time to time impressing upon the need to avoid lands belonging to small land holders and weaker sections.

2. Of late, it is seen that the requisitioning departments have selected for acquisition of sites in low lying areas, wet and fertile lands, coconut groves etc. After the issue of notification of the site by the Government, lots of representations come to Government from the landowners to delete the land from acquisition on the ground that the land owners will be rendered landless if the land is acquired. Similarly, the prospective beneficiaries like landless if he land is acquired. Similary, the prospective beneficiaries like landless agricultural labourers, rural artisans, houseless harijans etc. represent that the notified land may not be suitable and the site is low-lying and not fit for habitation, etc. In such circumstances, the Government is constrained to review the acquisitions and some times to withdraw the same on the merits of the case and representations. There are also instances that even after a lapse of two or three years after the acquisition, no civic amenities like water supply, light, road etc., have been provided to the newly formed colonies and no development of the area has been properly done. This results in the inundation and water logging of the area during rainy season.

3. In these circumstances and to overcome the above difficulties, it has been decided to ap-point the following committee to make recommendations on the terms of reference specified against each :-

(i) Committee for selection of site for acquisition

Terms of references

Secretary of department concerned (for which acquisition is to be done)

Chairman

The Committee will inspect the site proposed for acquisition and ensure that the same is suitable in all respects

Head of Department /Office requiring the site Member secretary

A representative of P.W.D Member

Senior Town Planner Member

A representative of Health Member

Deputy Collector (Revenue) Member

Commissioner of the Municipality/
Commune Panchayat Concerned Member

The requisitioning dept. i.e. the dept. which proposes to acquire a new site will take necessary action for inspection of the site by the committee and obtain its recommendations

(ii) Committee for development of the site acquired already and for providing of civic amenities

This Committee will meet periodically, evolve schemes for development of the site acquired and for providing of civic amenities like road, light, water supply etc. The Committee will hold periodical meetings and review the progress with regard to the implementation of its recommendation

Secretary of the department for which the lands were acquired Chairman

Head of the department/Office which acquired the site Member Secretary

Senior Town Planner Member

Commissioner of the Municipality/
Commune Panchayat concerned Member

In respect of the outlying regions, the Administrator will be the chairman and the representatives of the other department concerned will be the members.

4. All the Heads of Departments/Offices are requested to first get the clearance of the Committee (i) said above in future before sending the requisition form for acquisition to the Land Acquisition Officers.

5. The Departments which have already acquired lands under their schemes may take urgent necessary action for development of the sites in consultation with the Committee (ii) above

6. The receipt of the above Government order may kindly be acknowledged.

(By order of the Lieutenant Governor)

sd/-

(P.L.SAMY)

SECRETARY TO GOVT

GOVERNMENT OF PONDICHERRY

REVENUE DEPARTMENT

(G.O.Ms.NO.83

Dated 18th October, 1982)

NOTIFICATION

In pursuance of the provisions contained in rule 3 of the Land Acquisition (Companies) Rules, 1963, the Lieutenant-Governor, Pondicherry, hereby reconstitutes the Land Acquisition Committee constituted in the G.O.Ms.No.26, dated 12th July, 1972 of the Revenue Department, Pondicherry for the purpose of advising the Government in relation to acquisition of land under Part VII of the Land Acquisition Act, 1894, as follows :-

- | | | |
|--|----|----------------|
| 1. Secretary to Government,
Revenue Department,
Pondicherry. | .. | Chairman |
| 2. Secretary to Government,
Agricultural Department,
Pondicherry. | .. | Vice- Chairman |
| 3. Secretary to Government,
Industries Department,
Pondicherry | .. | Member |
| 4. Secretary to Government,
Local Administration
Department, Pondicherry | .. | Member |
| 5. Secretary to Government,
Law Department,
Pondicherry | .. | Member |
| 6. Director, Public Works,
Department, Pondicherry | .. | Member |
| 7. Registrar of Co-operative
Societies, Pondicherry | .. | Member |
| 8. Senior Town Planner,
Pondicherry | .. | Member |
| 9. Deputy Secretary to Govt.
Revenue Department,
Pondicherry | .. | secretary |

(By order of the Lieutenant-Governor)

sd/-

**R. LAKSHMIKANTHAN
DEPUTY SECRETARY TO GOVERNMENT**

GOVERNMENT OF PONDICHERY

Abstract

Land Acquisition - Land Acquisition Act, 1894 - Amendment - Instructions for guidance - issued.

Revenue Department

G.O.Ms.No. 35

Pondicherry, 21.6.85

ORDER :

The Land Acquisition Act, 1894 has been amended by the Land Acquisition (Amendment) Act 1984. Consequent on the amendment of the Act, it has been necessary to modify the executive instructions issued in the G.O.Ms.No. 13 dated 16.5.1974. Accordingly the following amendment to the said G.O. is issued.

A M E N D M E N T

(A) Sub-Paras (2) and (3) of Para II, titled "DRAFT DECLARATION STAGE" shall be deleted

(B) Sub-Paras (1) and (2) of Part III, title "AWARD STAGE" shall be deleted and the following sub-paras (1) to (7) shall be added.

PART - III - AWARD STAGE :

1. Immediately after the declaration under section 6 has been issued, the Tahsildar/Deputy Tahsildars should take details of sales effected during the period of three years immediately preceding the date of publication of the notification under section 4(1) from the Registration Department, conduct confidential and discreet enquiries regarding the bonafides of each transaction. The sales which are considered to have taken place in the normal circumstances should be taken as basis for arriving at the valuation of the land under acquisition. It is the personal responsibility of the Tahsildar concerned, that no sale transaction effected during the period of three years preceding the date of notification is omitted in listing out the transactions. After ascertaining the bonafides of the transactions, the Tahsildar shall submit the valuation statement as per the instructions issued from time to time and arrive at the average value of the land by taking into consideration all bonafide transactions and the similarity of that transaction with the land under acquisition. The Tahsildar shall submit the valuation statement to Land Acquisition Officers within one month from the date of declaration.

2. The Land Acquisition Officer shall scrutinise the valuation statement submitted by the Tahsildar after personal inspection of the land under acquisition as well as the patta lands and arrive at the value of the land and in case building etc. are involved, the value may be got assessed by the Public Works Department.

3. As soon as the valuation statement has been prepared by the Land Acquisition Officer he shall issue notices under section 9 and 10 of the Act to the persons and publish the same as per the provisions of the Act and rules fixing the date of award enquiry. The award enquiry should in any case be conducted within 6 months from the date of issue of declaration.

4. On the date fixed for enquiry, the Land Acquisition Officer should conduct the enquiry on three special matters viz, (i) measurement and area of the land (ii) compensation to be awarded and (iii) apportionment of compensation. The question of payment and apportionment of compensation should be decided before the award is passed and such points should be incorporated in the award itself. As such the interested parties should be asked to produce encumbrance certificate from Registration Department and other documents at the time of award enquiry. The award enquiry may,

if necessary, be adjourned till all the required statistics and documents are produced so that the award may be passed correctly after satisfying all the correct owners and question of compensation payable to each awardee. This would facilitate immediate payment of compensation after the passing of the award and in accordance with the conditions of the award. By this process, delay between the passing of the award and payment of compensation will be avoided.

5. After completing the Award enquiry, he shall draw the Award proceedings and submit the same to the Secretary to Government in charge of Revenue Department who has been appointed as Authorised Officer in the Revenue Department's Notification No. 15286/84-B dated 28.3.85, under first proviso to sub-section (1) of section 11 of the Land Acquisition Act, 1894.

6. In cases where an award deviates from established norms or is of an amount exceeding Rs.50,000/- (Rupees fifty thousand only), the Authorised Officer shall consult the Finance department before the award is approved by him. The proposals for seeking prior approval to make the award should be submitted in advance by Land Acquisition Officers at least six months prior to the date of expiry of passing award, i.e. before the expiry of 11/2 years from the date of declaration.

7. These time limits should be strictly adhered to since under the amended Act by section 11A, the award should be made within a period of 2 years from the date of publication of the declaration and if no such award is made within the said period of 2 years the entire proceeding for the acquisition of land shall lapse.

(By Order of the Lieutenant-Governor)

sd/-

(C.V. S.RAMA RAO)

DEPUTY SECRETARY (REVENUE)

Abstract

Land Acquisition - Execution of Agreement for consent Award in terms of section 11(2) of the Land Acquisition Act, 1894 - Instructions - Issued.

Revenue Department

G.O.Ms.NO.80

Pondicherry , the 26.8.1988

Read: Notification No. 19732/86/B1, dt. 23-6-88 of Revenue Department,
Pondicherry, published in an extra-ordinary Gazette No. 47 dated 27-6-88.

ORDER :

According to sub-section (2) of section 11 of the Land Acquisition Act, 1894, if at any stage of the land acquisition proceedings, the Collector is satisfied that all the persons interested in the land who appeared before him agree in writing on the matters to be included in the award of the Collector in form prescribed by the rules, he may, without making further enquiry, make an award according to the terms of such agreement. In the Notification read above, the Government has prescribed the form of agreement to be executed for the purpose of the above provisions of the Land Acquisition Act, 1894. The said agreement shall be executed by persons interested in the land and by the Competent Officer of the Requisitioning Department authorised to execute contracts is for and on behalf of President of India under article 299 of the Constitution. In this behalf, the Government issues the following instructions to be complied with by the Land Acquisition Officers and Requisitioning Department namely

- (i) The Land Acquisition Officer shall send a copy of the notices under sections 9 and 10 of the Land Acquisition Act to Requisitioning Department also and thereupon it must be the endeavour of the requisitioning Department to contact the Land Acquisition Officer and ascertain the reasonable amount of compensation payable for the land ;
- (ii) If the parties appearing before the Land Acquisition Officer agree on the amount of compensation payable for the land, the land Acquisition Officer shall refer the case to the Requisitioning Department who should arrange for the execution of the agreement with the party.
- (iii) After the agreement is executed, the Requisitioning Department shall present the same before the land Acquisition Officer who shall thereafter pass an award on the terms of the agreement.

2. The above instruments may be adhered to strictly. As far as possible, it should be ensured that the award is passed on consent so that the number of references under section 18 of the Act and the resultant delay in payment of compensation etc. can be avoided.

(By order of the Lieutenant Governor)

sd/-

(S.SEETHARAMAN)
SECRETARY TO GOVT.

GOVERNMENT OF PONDICHERRY

Abstract

Land Acquisition - Land Acquisition Act, 1894 - Revised - Instructions for guidance - Issued.

Revenue Department

G.O.Ms.No. 14.

Pondicherry, the 8.2.89

Read: 1. G.O.Ms. No. 11 dated 16.5.74 of Revenue Department, Pondicherry.

2. G.O.Ms.No. 60 dated 12.5.80 of Revenue Department, Pondicherry.

3. G.O.Ms.No. 35 dated 21.6.85 of Revenue Department, Pondicherry.

ORDER :

In the G.O.first cited, detailed instructions were issued for adherence by all the Heads of Departments/Offices and also the Revenue department in regard to the procedure to be followed under the Land Acquisition Act, 1894, site selection etc.

2. In the G.O. second cited, the constitution of the Site Selection Committee and their functions were laid down.

3. In the G.O.third cited, the procedure to be followed at the award stage and the time-limits to be adhered to, consequent on the Amendment Act of 1984 etc. have been detailed.

4. Taking into account certain judgements of the High Courts as also the Supreme Court on matters relating to land acquisition, it has become necessary to revise the above instructions for the guidance of the requisitioning department as well as the Land Acquisition Officer. Hence, the following comprehensive instruction are issued, superceding the Government order read above.

I. Draft Notification Stage

1. The requisitioning department should send a requisition addressed to the Land Acquisition Officer in the prescribed form appended, furnishing all information on the points mentioned in the requisition. The Requisition Form should be accompanied by -

- (i) Land Plan and Schedule
- (ii) (a) Approval of the Site Selection Committee, the composition and terms of reference of which shall be as below :-

Committee for selection of site of acquisition

Terms of reference

Secretary of the Department concerned (for which acquisition is intended)

Chariman

Heads of Department/ Office requiring the Site

Member

An officer of the Public Works Department (not lower in rank than Executive Engineer)

Member

Senior Town Planner

Member

An Officer of Health Department

Member

Commissioner of the concerned Municipality/ Commune Panchayat

Member

The Committee will inspect the site proposed for acquisition and ensure that it is suitable in all respects. The requisitioning Department will convene the Site Selection Committee and obtain its recommendations

(b) In respect of the outlying regions, the Administrator, will be the Chairman of the Site Selection Committee and the representatives of other department mentioned above being members.

(iii) Certificate from Public Works Department to the effect that area to be acquired is the minimum required.

(iv) Clearance from Competent Authority that the said land is not attracted by the ceiling laws.

(v) If attracted under the Ceiling Laws, then the requisitioning department should decide whether to obtain the land under Ceiling Act or under the Land Acquisition Act. In case, resort is proposed to be taken to the latter, then specific orders of the Government should be obtained and appended.

(vi) Clearance from the Commissioner, Hindu Religious Institutions, in the event of acquisition of temple land.

(vii) Orders of the Chief Secretary to Government, if wet lands are to be acquired

(viii) If urgency provisions of the Land Acquisition Act are to be invoked, then, the clearance of the Chief Secretary should be obtained and communicated, adducing adequate justification consistent with section 17 of the Land Acquisition Act.

2. On receipt of the requisition, containing full particulars, as above, the Land Acquisition Officer should, within fifteen days, inspect the lands proposed for acquisition. It should be verified whether the particulars furnished in requisition tally with the state on ground. Then he should submit draft notification under section 4(1) of the Act to the Government and obtain approval. Thereafter the notification should be published within fifteen days in the manner contemplated under the Act. Simultaneously, notices should be served on the interested parties as enumerated in the notification, in the

manner and mode as prescribed in the Act.

3. If any land owner or interested person files objection to the proposed acquisition, his objection should be reduced in the form of a statement and the same sent to the requisitioning department for their comments/reply within ten days after completion of the period allowed in the Act for receipt of objection. The requisitioning department should positively furnish their comments/reply within fifteen days.

4. As soon as the notification under section 4 (1) is published as contemplated in the Act, the survey sketches and sub-division sketches and accounts should be prepared in triplicate by the Land Acquisition Officer and got technically scrutinized by the Survey Department. This item of work should be completed within thirty days from the date of notification under section 4(1). While sub-dividing the lands for this purpose, the Survey Department should ensure that the new sub-divisions are duly demarcated with survey stones.

II. Draft Declaration Stage ;

The comments/reply of requisitioning department referred to in sub para 3 para I should be communicated to the interested parties, along with the notice fixing the hearing/enquiry, under section 5-A under intimation to requisitioning department. A representative of the requisitioning department should invariably be present at the time of hearing/enquiry to clear the objections of the parties.

2. After holding enquiry as contemplated under section 5-A, the Land Acquisition Officer should submit a detailed report, including his recommendations on the objections along with the entire records of enquiry proceeding, and a draft declaration under section 6 of the Act to Government (Revenue Department) within 25 days from the conclusion of enquiry.

3. Wherever the urgency provision is to be invoked, the Land Acquisition Officer should , submit to the Government draft declaration under section 6, along with draft notification under section 4(1) of the Act, dispensing with 5-A enquiry.

4. No withdrawal/part withdrawal of land under acquisition will be made, unless a specific request with proper justification is received from the requisitioning department.

5. After obtaining the approval of the Government the declaration under section 6 of the Act shall be published as envisaged in the Act and the same served on the interested parties in the mode and manner prescribed under that Act.

III. Award Stage :

Immediately after the declaration under section 6 is issued, the Land Acquisition Officer should collect from the Registration Department, details of sales effected in the village during the back-period of one year, preceding the date of publication of the notification under section 4(1) of the Act. In case no sale has taken place within the aforesaid back-period of one year, or if the available sales data are found to be unacceptable, then sales data should be collected for a further back-period of one year. This exercise should be repeated for successive back-periods from year to year, till adequate sales data become available, offering adequate justification.

2. Thereafter the Land Acquisition Officer should proceed to independently arrive at the market value of the land, based on the following criteria ;

(i) The market value should be assessed taking into account the potential value of the land. 'Potential value' means all the reasonable prospects which the land is likely to possess in respect of its user. The potential value should also be assessed taking into consideration the purpose for which the land is acquired.

(ii) While deciding upon the nature of the land, the classification shown in the revenue records should not alone be relied upon, but the state on ground and the potential use to which the land can be put to should also be taken into account.

(iii) In acquiring vast extent of land for urban purpose, the land should be valued as urban land diminishing 20 to 33 1/3 per cent of the assessed value towards improvement and amenities.

(iv) Once an agricultural land is valued as an urban site, the compensation for trees, etc. should be only the material value. If the land is valued as agricultural/orchard/grove land, then the compensation should be assessed, based on future yields.

(v) In assessing the market value, only the sales data prior to the date of notification under section 4(1) should be taken into account, even though, the post-notification sales could be taken note of for knowing the rise in the price-trend.

(vi) (a) The assessment of the Land Acquisition Officer should traverse the following plus and minus factors, which would denote his application of mind in arriving at the fair market value ;

Plus factors

- a). smallness of size
- b) proximity to a road
- c) frontage on a road
- d) nearness to developed area
- e) regular shape
- f) advantageous level of the land under acquisition.
- g) special value for an owner of an adjoining property, to whom it may have some very special advantage.

Minus factors

- a) largeness of area
- b) situation in the interior at a distance from the road.
- c) narrow strip of land with every small frontage compared to depth
- d) lower level requiring the depressed portion to be filled up
- e) remoteness from developed locality
- f) some special disadvantageous factors which would deter a purchase.

(b) The evaluation of above factors would of course depend on the facts of each case. No hard and fast or rigid rule can be laid down. Every case must be dealt with on its own fact pattern bearing in mind all the above factors. The above factors should be treated as general guidelines to be applied with understanding informed with common sense.

3. After making field inspection/enquiry, the sale transactions which are considered to have taken place under normal circumstances either in the land under acquisition or in lands similar to the land under acquisition should be culled out from the sales data collected vide sub-para 1 of para III. The recitals of the relevant deeds pertaining to comparable lands should be gone through by the Land Acquisition Officer to ascertain whether the transaction has taken place under normal circumstances. After ascertaining the bonafides of the transactions, the Land Acquisition Officer shall list out all bonafide sales transactions either in the land under acquisition or similar to the land under acquisition. The highest sale data of the comparable and similar land from the list shall be reckoned for purposes of computation of market value.

4. After thus assessing the value of the land to be acquired, the Land Acquisition Officer should compare his assessed value with the value of the land under acquisition as shown in the guideline register pertaining to the year in which notification under sec 4(1) was issued. The Guideline register is given to the registering officers for purpose of levying stamp duty. Where the value shown in the guideline register is higher, that should be adopted for determining the fair market value of the land to be acquired unless there are strong reasons there against, which should be recorded in the award by the Land Acquisition Officer.

5. For valuing the buildings, the value may be got assessed by the Public Works Department and fixed accordingly. As regards, the trees, if the yield value is taken into account, the value of land occupied by the trees, should be deducted from the total value of the land to be acquired. Otherwise, the timber value should be given credit. Where the land is assessed on its potential value, that is, value based on the prospective use to which the land would be deployed, it is always necessary to adopt the timber value for the trees. It is only when the market value of the land is assessed as an orchard/agricultural land or as a grove, the yield value of the trees should be included in the compensation and in such cases, the above principle of deducing the value of land occupied by the trees should be followed.

6. As soon as the valuation statement is prepared by the Land Acquisition Officer, he shall issue notices under sec. 9(1), 9(3) and 10 of the Act to the interested persons, as per the provisions of the Act, fixing the date of award enquiry. The award enquiry should be conducted within 6 months from the date of issue of declaration under section 6 of the Act.

7. On the date/dates fixed for enquiry, the Land Acquisition Officer should conduct the enquiry on three special aspects viz. (i) measurement and area of the land (ii) compensation to be awarded and (iii) apportionments of compensation. The question of payment and apportionment of compensation should be decided before the award is passed and incorporated in the award itself. The interested parties should be asked to produce documents to prove their title/interest in the land at the time of award enquiry, alongwith Nil encumbrance certificates. The award enquiry may, if necessary be adjourned till all the required documents are produced so that the award can be passed correctly, after satisfying about the correctness of the title-holding/interests and the quantum of compensation payable to each awardee. This would facilitate immediate payment of compensation after the passing of the award and in accordance with the conditions of the award. By this process, delay between the passing of the award and payment of compensation can be avoided. In any case, the award enquiry should be completed within 10 months from the date of declaration issued under sec 6 of the Act.

8. After completing the award enquiry, the Land Acquisition Officer shall draw up the award proceedings and submit it to the Revenue Secretary who has been appointed as the Authorised Officer under first proviso to sub sec (1) of Sec 11 of the Land Acquisition Act, 1894 (vide Revenue Department's Notification No. 15286/84-B dated 28-3-85). The award proposal should be submitted by the Land Acquisition Officer to the Authorised Officer within one year from the date of declaration.

9. In cases where an award deviates from established norms or is of an amount exceeding Rs.5 lakhs (Rupees five lakhs only) the Authorised Officer shall consult the Finance Department before the award is approved by him. After obtaining the prior approval, the Land Acquisition Officer shall obtain the necessary funds from the requisitioning department, before passing the award. In other words, the Land Acquisition Officer should not pass an award, unless he has funds at his disposal for tendering compensation at once to the awardees.

10. The time-limits prescribed for various stages of the Land Acquisition proceedings should be strictly adhered to since under the amended Act of 1984 the award should be made within a period of 2 years from the date of publication of the declaration under sec.6 of the Act and if no such award is made within the said period of 2 years, the entire proceedings for the acquisition of land would lapse.

IV. Post Award Stage :

Immediately after the passing of the award, the Land Acquisition Officer should take steps for taking possession of the land acquired and handing over the same to the requisitioning department within fifteen days. If the awardees are present at the time of the passing of award, the contents of the award should be made known to them and compensation amount tendered to them immediately. The notice of the award under section 12(2) should be served on the absentee awardees without delay, as any objection under section 18 of the Act can be filed within six weeks of the service of the notice or within six months from the date of the award, whichever expires first. Payment of compensation should be made only in the form of Banker's cheque, after obtaining the acquittance from the awardees in Form 'C' in triplicate. In cases where the compensation awarded is not claimed by the awardees within 3 months, the amount should be remitted into the following head of account :-

“ 8443 - Civil Deposit - 101 - Revenue Deposit”

2. In respect of cases referred to civil courts under section 31 (2) of the Act, the compensation amount should be deposited into the following head of account “8443 - Civil Deposit - 104- Civil Court Deposit” and the original chalan should be forwarded to the Civil court, within a period of one month from the date of passing of award. A statement in form 'A' showing compensation awarded under section 11 of the Act to all persons interested in the land under acquisition and another statement in form 'AA' showing particulars regarding the acceptance by the persons concerned of amounts entered in the award should be sent to audit, within 3 months from the date of passing of award.

3. After the award is passed, a notice in the prescribed form should be issued informing the land owners that the lands in question have been acquired by Government and possession should be handed over to Government within a specified date, failing which the Land Acquisition Officer should enforce surrender as contemplated in the Act. A statement showing the lands acquired under the award should be sent to the Registration Department. Notice under section 11 of the Pondicherry Survey and Boundaries Act, 1967 should be published in the State Gazette. To complete the Land Acquisition proceedings, check-memo in the prescribed form should be prepared, in duplicate, keeping one copy with the connected Land Acquisition file and submitting the other copy to the Revenue Secretary.

4. These instructions should be adhered to strictly at every stage of the Land Acquisition proceedings.

5. This issues with the concurrence of Finance Department vide U.O.No. 6614/89/F4 dt.12.1.89.

(By order of the Lieutenant Governor)

sd/-

(S.SEETHARAMAN)

SECRETARY TO GOVT. (REVENUE)

REVENUE DEPARTMENT

No. 15286/84-B

Pondicherry, the 28th March, 1983

NOTIFICATION

In exercise of the powers conferred under first proviso to sub-section (1) of section 11 of the Land Acquisition Act, 1894 (Central Act No.1 of 1894), the Lieutenant-Governor, Pondicherry hereby appoints the Secretary to Government in-charge of Revenue Department as the Authorised Officer for the purpose of according previous approval as required under the proviso to the said section in regard to acquisition of lands for public purposes by this Union Territory Administration

(By order of the Lieutenant - Governor)

sd/-

(C.V.S.RAMA RAO)
DEPUTY SECRETARY (REVENUE)

GOVERNMENT OF PONDICHERRY

Abstract

Land Acquisition - Land Acquisition Act, 1894 - Revised Instructions for guidance - issued

REVENUE DEPARTMENT

G.O.Ms.No.64

Pondicherry, dt.28.7.1995

Read: G.O.Ms.No.14, dated 8.2.89 of Revenue Department, Pondicherry.

.....

ORDER :

In the G.O.cited above detailed instructions were issued for adherence by all the Heads of Departments/Offices and also the Revenue Department in regard to the procedure to be followed under the Land Acquisition Act, 1894. It included the production of Land Reforms/Urban Land Ceiling clearance certificates issued by the Competent Authority and if covered under Ceiling Laws, special approval of the Government for acquiring such lands.

2. It is felt that there is a need of delinking the question of acquisition of lands for specific schemes from the proceedings under the Land Ceiling Laws, and it has been decided that the implementation of Specific schemes need not be held up expecting certain land Ceiling proceedings to fructify.

3. Hence, the instructions contained in paras.I (b) (iv) and I, (b)(v) at page No.3 of the G.O.Ms.No.14, dated 8.2.89 of the Revenue Department, Pondicherry are hereby deleted.

(By order of the Lieutenant Governor)

sd/-

R.NARAYANA
SECRETARY TO GOVT. (REVENUE)

GOVERNMENT OF PONDICHERRY

REVENUE DEPARTMENT

ABSTRACT

LAND ACQUISITION - Land Acquisition Act, 1894 - Revised Instructions for guidance - Issued

REVENUE DEPARTMENT

G.O.Ms.No.46

Pondicherry, 14.8.1996

READ: G.O.Ms.No.14 dated 3.2.1989 of Revenue Department, Pondicherry.

O R D E R :

In the G.O.cited above, detailed instructions were issued for adherence by all the Heads of Department/Offices and also the Revenue Department in regard to the procedure to be followed under the Land Acquisition Act, 1894.

2. Taking into account the observations and recommendations made in the Eight Report of the standing committee on Urban and Rural Development (1994-95) - Tenth Lok Sabha on the Land Acquisition Act, 1894, it has become necessary to revise certain instructions already issued in the G.O.Ms.No. 14 dated 8.2.1989 for the guidance of the requisitioning departments as well as the Land Acquisition Officers. Hence the following administrative instructions are issued, namely :-

(i)The issue of reduction in the existing time limit of three years laid down under the land Acquisition Act, 1894 for completing the acquisition proceedings was carefully examined and while recognising the need for expeditious acquisition of land, it was preferred that this three year period being an outer limit should continue as it is under the Act, but within this frame work the limit may be reduced to two years starting right from the date of publication the notification under section 4(1) to the date of award by the Collector under section 11, one year between the date of publication of the notification under section 4(1) to the date of publication of the declaration under section 6 and another one year between the date of publication of the declaration under section 6 to the date of award by the Collector under section 11.

(ii) As per the notification No.15286/84-B dated 28-3-1985 issued by the Government in Revenue Department and published in the Gazette No.19 dated 7.5.1985, the Secretary to Government in charge of Revenue Department has been appointed as Authorised Officer for the purpose of accordiing previous approval as required under proviso to the sub-section (1) of section 11 of the Land Acquisition Act, 1894 in regard to acquisition of lands for public purposes by this Union Territory Administration. With a view to revise the limits of sanctioning amount of award/compensation keeping in view the increasing value of the land and of other assests, presently the sanctioning power of the Secretary (Revenue) as the Authorised Officer shall be raised upto 50 lakhs and in all other cases exceeding Rs.50 lakhs, the proposal may be sent to the Government for approval.

(iii) To facilitate the affected persons to have easy access to the notification or to the information about the acquisition of land by the Government, in addition to the four modes of publication of notification in the official gazette and two daily newspapers circulated in that locality of which at least one shall be in the regional language and publishing the notice at convenient places in the said

locality including the Tahildar`s Office, Gram Panchayats or Village Administrative officer`s office, from now onwards, a copy of the notification wherever possible may also be sent by registered post to the concerned persons.

3. These instructions shall be adhered to strictly in addition to the instructions issued already vide G.O.Ms.No. 14 dated 8.2.89 of this Department, at every stage of the Land Acquisition proceedings.

4. This issues with the concurrence of the Finance Department vide I.D.No. 23898/96/F4 dated 5.3.1996.

(BY ORDER OF THE LT.GOVERNOR)

(N.RAJASEKHAR)
SECRETARY TO GOVT. (REVENUE)

GOVERNMENT OF PONDICHERRY

ABSTRACT

LAND ACQUISITION - Land Acquisition Act, 1894 - Revised Instruction for guidance - Issued.

REVENUE DEPARTMENT

G.O.Ms.No.74

Pondicherry, 31.12.96

Read: G.O.Ms.No.14 dated 8.2.1989 of Revenue Department, Pondicherry.

ORDER :

In the G.O.cited above detailed instructions were issued for adherence by all the Heads of Department/Officers and also the Revenue Department in regard to the procedure to be followed under the Land acquisition Act, 1894. It includes the members of the Site Selection Committee.

2. It is felt that there is a need to include an officer of the Revenue Department in the above committee and it has been decided to include the Deputy Collector (Land Acquisition), Pondicherry for Pondicherry region and Deputy Collector (Revenue), Karaikal for Karaikal Region as a member of the Site Selection Committee.

3. Hence, the instructions continued at page No.2 of the G.O.Ms.No. 14 dated 8.2.1989 are hereby modified.

(BY ORDER OF THE LT.GOVERNOR)

sd/-

(N.RAJASEKHAR)
SECRETARY TO GOVT.(REVENUE)

GOVERNMENT OF PONDICHERRY

REVENUE DEPARTMENT

No.D.+S(R)Genl/76

Pondicherry, 4.1.1976

CIRCULAR

Sub:- LAND ACQUISITION- Acquisition of lands for various public purposes - Procedure to be followed - Reg.

Of late, certain instances have come to the notice of the Government that acquiring bodies have sent proposals for acquiring fertile wet lands/grove lands etc, which attract vast objections from the land owners and interested persons, besides impairing the agricultural production. The High Level Committee and the Regional Sub-Committee constituted for the purpose of reviewing the implementation of 20 point-programme had expressed the view that as far as possible, Government promboke land wherever available may be made use of, instead of resorting to acquisition of private lands and that whenever acquisition of lands become inevitable, lands which are barren and uncultivated may as far as possible be proposed for acquisitions, that too from big landlords and not from the weaker sections. Apart from the above, the Government of India have been time and again emphasising that acquisition of agricultural lands SHOULD NOT BE RESORTED TO.

2. It is, therefore, suggested that the acquiring body may consider the following points carefully before sending proposals for acquiring lands :-

(i) Whether there are any suitable land belonging to Government /Municipality/Commune Panchayats available for a acquisition and the same can be utilised by the Departments concerned for the intended purpose.

(ii) Whether dry/barren lands can be selected for acquisition (land with pucca buildings, thick groves and fertile wet lands have to be avoided as far as possible as it will save the acquiring body from the payment of heavy compensation and will also prevent the conversion of valuable agricultural lands to non-agricultural use)

(iii) In any unavoidable cases of acquisition of fertile wet lands, groves and lands with buildings, proposals for the acquisition of such lands should be examined at the highest level of the acquiring department and specific approval of the Government to acquire such lands may be obtained and communicated to this department at the time of sending requisition.

(iv) Any objections petitions sent by the Land Acquisition Officer for the remarks of the requisition department should be returned to the Land Acquisition Officer concerned immediately so as to enable him to complete the acquisition proceeding quickly. If the objections are found to be justifiable and reasonable, the question of withdrawing the notified lands and acquisition of alternate lands should be considered quickly.

3. All the requisitioning departments are, therefore, requested to send proposals for acquisition after considering the points indicated above so as to avoid delay in completing the acquisition proceeding . The above procedure may please be invariably followed in respect of all the acquisition proceedings to be mooted out in future and the existing cases may also be reviewed in the light of the same.

(M. JANAKIRAMAN)
DEPUTY SECRETARY TO GOVERNMENT)

No.LA/SF/79/B/REV

GOVERNMENT OF PONDICHERRY

REVENUE DEPARTMENT

Pondicherry, 28.7.1979

CIRCULAR

Sub:- Land Acquisition - Acquisition of Private lands belonging to small land-holders and fertile agricultural lands - Avoiding of - Instructions - Issued.

Ref:- This Department circular No.DS(R) /Gen/76 dated 4.12.1976 (copy enclosed for ready reference)

Instructions were issued in the Circular cited to the effect that, as far as possible, Government poromboke land wherever available may be made use of instead of resorting to acquisition of private lands and that whenever acquisition of lands become inevitable, lands which are barren and uncultivated may be proposed for acquisition, that too from big landlords and not from the weaker sections.

In spite of the above instructions it is noticed that fertile agricultural lands/thick groves and lands belonging to small land holders are proposed for acquisition by the requisitioning departments. It so happens that after issue of the notification under section 4 of the Land Acquisition Act, the land owners come with the plea that their lands may be deleted from acquisition on the grounds that the lands notified are fertile agricultural lands/thick groves, etc., and the acquisition will render them landless. In such context, the Government is constrained to reexamine the proposal and decide to withdraw the acquisition and initiate denovo proceedings. It is needless to mention that this results in delay in the completion of acquisition as well as the developent schemes of the department concerned, besides causing hardships to the landowners.

In these circumstances, in future, all the Heads of Departments are requested to examine thoroughly each proposal for acquisition at their level keeping in mind the above instructions and send the requisition for acquisition to the Revenue Department in order to avoid the withdrawal of lands at a later stage.

(M.JANAKIRAMAN)

DEPUTY SECRETARY TO GOVT.

To

All Heads of Departments/Offices.

All the Land Acquisition Officers - They are informed that it has been noticed by the Government that whenever the interested persons contend that they are not having lands other than the one noticed for acquisition, therefore, instructed to verify specifically the position whether the objection petitioner owns lands other than those notified for acquisition and send report along with 5 A enquiry records for the decision by the Government.

GOVERNMENT OF PONDICHERRY

REVENUE DEPARTMENT

No.SF/LA/81-B

Pondicherry, the 25-11-81.

CIRCULAR

Sub:- Pondicherry - Land Acquisition cases - proposals for withdrawal - Instructions of Government - Communicated

A number of proposals have been received for withdrawal of land from land acquisition, and a few proposals have been received, when the land acquisition proceedings are in advanced stage viz., after the issue of declaration notification or after compensation amount has been approved by Collector and after the compensation amount was deposited in the court.

2. Such proposals cause considerable embarrassment to Government. Normally, there should be no occasion for withdrawal had the site proposed originally for acquisition been selected carefully by the requisitioning department. Further, it entails unnecessary work around particularly to the officials in the Revenue Department. Further, the funds earmarked for the purpose may also have to be surrendered or the amount deposited with the Land Acquisition Officer cannot be utilised and this may give rise to objections by audit and the Public Accounts Committee.

3. Government have, therefore, desired that when the departments initiate proposals for acquisition of land for public purposes, they should thoroughly examine their requirements and exercise proper care and then only initiate proposals for land acquisition. They should examine whether alternate sites are available which would meet their requirements. Only after considering the relative advantages of various sites available for acquisition of the site which is best suited for the purpose. Similarly, proposals should be initiated only for acquisition of land of required extent.

4. Attention of the Heads of Department is invited to the Department's Circular No. La/SF/79/B/Revenue dated the 28th July, 1979 wherein detailed instructions have been issued to all departments regarding acquisition of land for public purpose. It is requested that the instruction contained in the Circular and in this communication may be borne in mind whenever proposals for land acquisition are initiated

5. In future if any proposals are sent for withdrawal of land from land acquisition, full justification should be furnished.

(By Order of the Lieutenant Governor)

(P.L.SAMY)
SECRETARY (REVENUE)

GOVERNMENT OF PONDICHERRY

CHEIF SECRETARIAT

No.2935/82/B/Rev.

Pondicherry. 23.4.1982

CIRCULAR

Su:- Land Acquisition - Need to limit acquisition of land to the minimum necessary area

Prime Minister of India has recently expressed concern over reports of acquisition of land in excess of requirement and observed that acquisition should be limited to the area absolutely necessary. The Government of India have desired that suitable instruction be issued that utmost restraint is exercised in acquisition of land required for public purpose.

1. Circular No. the circulars Ds(R)Genl/76 Dt.4-12-76
 2. Circular No. LA/SF/79/B/Rev Dt.28.7.79
2. Detailed instructions have been issued in noted in the margin regarding acquisition of land. These instructions may be followed scrupulously. Further, as far as possible, Government poromboke land wherever available should be made use of instead of resorting to acquisition of private lands. Wherever acquisition of private lands becomes inevitable, lands which are barren and uncultivated may be proposed for acquisition. When acquisition of wet land becomes inescapable, land from big landlords and not from the weaker sections should be acquired.

3. In the context of the need to conserve as much land as possible for agricultural production and not to permit its diversion to a non-agricultural purpose except when such diversion subserves an important public purpose and the need to avoid hardship to owner of small holdings, it is requested that the following instructions may kindly be scrupulously followed in the acquisition of land for public purpose :-

(1) The acquisition of land should be limited to the barest minimum and initiated after careful consideration of all implications. There should be no occasion of withdraw from land acquisition once the extent of requirement has been properly assessed ;

(2) Poromboke land should be made use of wherever available. Only when poromboke land is not available, resort should be made for acquisition of land. In such cases, acquisition of barren and uncultivable land should be preferred. Wet lands and thick groves should be avoided as far as possible. If the acquisition of wet land becomes inescapable, small holdings should be spared and efforts should be made to acquire land only from big landlords so that acquisition of wet land for public purpose does not render a small farmer, unemployed and without means of livelihood

- (3) Wherever possible, it should be ensured that acquisition does not deprive anyone of his sole means of livelihood or of his only homestead. When such acquisition is inevitable, suitable alternate arrangement for the affected persons should be provided.

The receipt of this Circular may kindly be acknowledged

(R.BADRINATH)
CHIEF SECRETARY TO GOVT.

To

1. All Heads of Departments
2. All Land Acquisition Officers

Copy to

1. Secretaries to Govt. Pondicherry
2. Private Secretaries to Lt.Governor, Pondicherry
3. Private Secretary/P.A. to all Ministers.
4. Stock file.
5. Spare.

GOVERNMENT OF PONDICHERRY

REVENUE DEPARTMENT

No. 13372/83-B

Pondicherry, 24-10-1983

CIRCULAR

Sub:- Furnishing of certificates relating to land acquisition cases.

It has been ordered by the Lieutenant-Governor that the following certificates shall be furnished while submitting files relating to land acquisition cases for approval of the Government.

- (a) No poromboke land is available for the purpose for which private land is proposed to be requisitioned.
- (b) The private land proposed for acquisition is suitable for the purpose.
- (c) The owner of the land is having other landed property also

The Land Acquisition Officers are, therefore, requested to furnish the certificates mentioned above while submitting proposals for issue of notification under section 4(1)/Draft Declaration of the Land Acquisition Act, 1894 in future.

The Land Acquisition Officers are further requested to furnish such certificates in respect of those cases where notification under section 4(1) was issued but declaration under section 6 of the Land Acquisition Act is yet to be issued. It is also requested that certificate may be furnished in respect of cases submitted to Government for issue of 4(1)/Draft Declaration notification but notification is yet to be issued.

sd/-

(C.V.S.RAMA RAO)
DEPUTY SECRETARY TO GOVT.

GOVERNMENT OF PONDICHERRY

REVENUE DEPARTMENT

No. 13372/83-B

Pondicherry, 10-12-1983

CIRCULAR

Sub: Furnishing of certificates relating to land acquisition cases- Regarding

Ref : This Department's Circular of even No. dated 24-10-1983.

Kind attention is invited to the the Circular cited.

2. It may be seen that one of the Certificates which the Land Acquisition Officer has to furnish as stipulated in the Circular cited is that the owner of the land is having other landed property also.

3. In this context, the Land Acquisition Officers are requested to indicate the total holdings of the owner of the land/interested person while furnishing certificate along with proposals for issue of notification under section 4(1)/draft declaration under section 6 of the Land Acquisition Act, 1894.

sd/-

(C.V.S.RAMA RAO)
DEPUTY SECRETARY (REVENUE)

GOVERNMENT OF PONDICHERRY

REVENUE DEPARTMENT

No.12139/86/B1

Pondicherry, 13.8.1986

CIRCULAR

Sub: Land Acquisition - Selection of site for various public purposes- Reg.

Instances have come to the notice of the Government that two or more departments are selecting one particular piece of land for acquisition, so as to implement their development schemes. Such selection of one site by different departments may not be expedient in public interest.

2. In order to obviate duplication of requisition of same site by more than one department, it has been decided that, in future, whenever requisitions for acquisitions of land are received by the Land Acquisition Officers in so far as Pondicherry region is concerned, he will submit the file through proper channel for perusal of the Hon`ble Cheif Minister and for orders to proceed further in the acquisition of land to avoid unnecessary controversy.

3. In so far as the Land Acquisition Officers of the outlying region are concerned viz, Karaikal, Mahe and Yanam, they have to send the proposal direct to the Deputy Secretary(Revenue) who will process through proper channel, to obtain clearance of the Hon`ble Cheif Minister in the first instance.

4. The above procedure is to be followed with immediate effect.

sd/-

(A.SUBBARAYA PILLAI)
SECRETARY (REVENUE)

GOVERNMENT OF PONDICHERRY

REVENUE DEPARTMENT

No,2909/91/B1

Pondicherry, 19.4.1991

CIRCULAR

Sub: Land Acquisition - Payment of compensation under Land Acquisition Act to the lands owned by the temple - Certain instructions - issued - Regarding.

The Commissioner, Hindu Religious Institutions, pondicherry has brought to the notice of the Government that compensation for the lands owned by the temple when acquired by the Government is not being paid directly either to the Trustee Board or to the Commissioner, Hindu Religious Institutions, Pondicherry and instead thereof the compensation is deposited in the Civil Court under section 31(2) of the Land Acquisition Act, with the result that the amount of compensation is not readily available to them. Consequently in cases where the temple authorities solely rely on such lands for performing daily poojas, the temple faces hardship. It is also ascertained that the Land Acquisition Officer could not effect direct payment to the Trustee Board, as their powers of alienation are limited. Hence, with view to solve this problem, the Land Acquisition Officers are instructed to follow the under mentioned procedure before deciding to deposit the amount of compensation in the Civil Court :-

1. The ownership and enjoyment of the temple land may be decided based on the following documents :-
 - (a) Encumbrance Certificate for a period of 30 years.
 - (b) Rent receipt issued by the temple authorities to the tenants of the temple land.
 - (c) Adangal copies issued by the Tahsildar/Deputy Tahsildar for five years
 - (d) Patta copy of the land issued by the Tahsildar/Deputy Tahsildar.
 - (e) Two publications on alternate dates in the local tamil newspapers having circulation in the locality at the expenses of the temple authority, inviting objections from the Public to the proposed payment, if the title deeds are not available .
 - (f) Title deeds, if available.

- (g) The amount of compensation should be paid on official designation of Commissioner, Hindu Religious Institutions, Pondicherry if the temple is under the administrative control of the Government. Where there is doubt the Law Department should be consulted for guidance/clarification.

(By order of the Secretary (Revenue))

JOINT SECRETARY (REV.)

GOVERNMENT OF PONDICHERRY

REVENUE DEPARTMENT

No.8635/Rev-B1/95

Pondicherry, 12.08.1995

CIRCULAR

Sub : L.A.- Acquisition of lands - Reg.

Of late it is noticed that Land Acquisition proposals from departments for acquisition of lands, are received in incomplete shape which results in considerable delay in initiating the Land Acquisition Proceedings. In this respect, the attention of the requisitioning departments, is drawn to the G.O.Ms.No.14 dated 8.2.1989 wherein detailed instructions have been given to be followed scrupulously by all requisitioning departments. In spite of this, Deputy Collectors (Land Acquisition) still receive incomplete proposals from some departments. It is reiterated that in the absence of a full fledged proposal along with necessary pre-requisites, the Land Acquisition Officers will not be in a position to initiate acquisition proceedings. Therefore the proposals may be submitted hereafter along with the following :

1. A formal requisition in duplicate.
2. Sketch of the land proposed for acquisition along with their correct survey nos.
3. Approval of the Site Selection Committee.
4. Approval of the Chief Secretary for acquisition of Wet land.
5. Certificate from the PWD that the extent proposed for acquisition is the minimum required
6. No objection certificate from HRI Department in case of acquisition of temple lands.
7. Approval of the Chief Secretary, if urgency provision of the Land Acquisition Act are to be invoked.
8. Other landed property of the land owner.

2. Attention of the requisitioning departments is also drawn to earlier circulars wherein it was requested to limit the acquisition of land to the barest minimum after careful consideration of all implications and without giving any room for withdrawal from acquisition at a later stage. It was also informed that wherever possible it should be ensured that acquisition does not deprive any one of his sole means of livelihood or of his only homestead. If such acquisition is inevitable, the requisitioning department may arrange for suitable alternate arrangements to the affected persons with the assistance of the Government Agencies.

3. It is noticed that the next delay in processing the land acquisition cases occurs when the requisitioning department are requested to furnish their views and comments on the objection petitions filed by land owners/interested persons. There are cases where the requisitioning departments had to be reminded by 5 to 6 reminders to get reply on the objection petitions. Non-receipt of views of the concerned Requisitioning Department in time on the objection petition, causes a major hurdle in the proceedings to the next stage of the Land Acquisition. Therefore all the requisitioning departments are requested to kindly ensure that delay in sending their views is avoided as far as possible.

4. Further it is also brought to the notice of the requisitioning department that representation by the concerned department at the time of enquiry by the Land Acquisition Officer at various stages of Land Acquisition proceedings is mandatory. Non-representation by the requisitioning department at the time of enquiry was challenged by the Land Owners in many acquisition cases in the court of Law. Therefore the requisitioning department is requested to depute a representative who shall be well versed with the facts of the proposed acquisition, without fail.

5. At the valuation stage, assistance of the PWD is required in cases where structures are involved. It has been found that though the Land Acquisition Officer has been requesting the PWD for valuation of structure relating to different acquisition proceedings, there has been considerable delay in getting the valuation report. Therefore it is requested that these cases may be given top priority in future.

6. Another stage, at which delay has been noticed, is in providing necessary funds. It is also brought to the notice of the requisitioning department that the Land Acquisition Officers is not supposed to pass any award, if necessary funds are not provided. The non-passing of award in time entail payment of additional interest at 12% till passing of award. Therefore it may please be ensured that sufficient funds are made available to the Land Acquisition Officers as and when the request is made. It is pertinent to mention here that the land owners may have a good ground to challenge the acquisition proceedings, if award is passed without necessary funds. Further, it may kindly be noted that the land Acquisition Officer may not be able to pass the award hereafter, unless the funds are placed at his disposal before passing the award.

7. As the Land Acquisition proceedings have to be completed within the limited time frame, co-operation of all requisitioning departments is solicited to complete the acquisition in time.

sd/-

(R.NARAYANA)
COLLECTOR-CUM-SECRETARY (REVENUE)

GOVERNMENT OF PONDICHERRY
OFFICE OF THE COLLECTOR-CUM-SECRETARY (REVENUE)

No.1097/COL/PA/97

Dated: 17-11-97

MEMORANDUM

The Wakf Act, 1995 repealing the eariler Wakf Act , 1954, had come into force on 01.01.96 vide notification So.No.1007 (E) Dt. 27-12-95 issued by Ministry of Welfae, New Delhi, Section 91 (a Xerox copy of which is enclosed) lays down that in the course of the land acquisition proceedings, if it is appears that the property or part thereof is a Wakf property, a notice shall be served on the Wakf Board and further proceedings shall be stayed to enable the Board to appear and plead a party to the proceedings within three months from the date of receipt of such notice. Order u/s31 or 32 of the Land Acquisition Act, 1894 shall not be passed without giving an opportunity to the Board to be heard as provided in section 91(3). An Order violative of section 91(3) shall be declared null and void.

These legal provisions are brought to the notice of Officers concerned with land acquisition for strict observance.

sd/-

(N.RAJASEKHAR)

COLLECTOR CUM SECRETARY(REVENUE)

SECTION 91 for reference

Proceedings under Act 1 of 1894 - (1) If , in the course of proceedings, under the Land Acquisition Act, 1894 or under any law for the time being in force relating to the acquisition of land or other property, it appears to the Collector before an award is made that any property under acquisition is wakf property, a notice of such acquisition shall be served by Collector on the Board and further proceedings shall be stayed to enable the Board to appear and plead as a party to the proceeding at any time within three months from the date of the receipt of such notice.

Explanation :- The reference to the Collector in the foregoing provisions of this sub-section shall, in relation to any other law referred to therein, be construed, if the Collector is not the competent authority under such other law to make an award of the compensation or other amount payable for acquisition of land or other property thereunder, as a reference to the authority under such other law competent to make such award.

(2) where the Board has reason to believe that any property under acquisition is wakf property, it may any time before the award is made appear and plead as a party to the proceeding.

(3) When the Board has appeared under the provisions of sub-section (1) or sub-section (2) no order shall be passed under section 31 or section 32 of the Land Acquisition Act, 1894 or under

the corresponding provisions of the other law referred to in sub-section (1) without giving an opportunity to the Board to be heard.

(4) Any order passed under section 31 or section 32 of the Land Acquisition Act, 1894 or under the corresponding provisions of the other law referred to in sub-section (1) without giving an opportunity to the Board to be heard, shall be declared void if the Board, within one month of its coming to know the order applied in this behalf to the authority which made the order.

GOVERNMENT OF PONDICHERRY

REVENUE DEPARTMENT

G.O.Ms.No.

Dated :

NOTIFICATION

Whereas it appears to the Government of Pondicherry that the land specified in the schedule below is needed for a public purpose to wit for-----

-----notice to that effect is hereby given to all whom it may concern in accordance with the provision of sub-section (i) of section 4 of the Land Acquisition Act 1894 (Central Act 1 of 1894) and the Lieutenant Governor, Pondicherry hereby authorizes the Deputy Collector (Land Acquisition) Pondicherry his staff and workmen to exercise the powers conferred by sub-section (2) of section 4 of the said Act.

Under section 3(C) of the said Act, the Lieutenant Governor, Pondicherry appoints the Deputy Collector(Land Acquisition)Pondicherry to perform the functions of the Collector under section 5A of the said Act.

SCHEDULE

TALUK :

VILLAGE :

SL. No.	R.S.NO	DRY/ WET	Name of the land owners/interested persons	Extent to be acquired H-A-CA

(By order of the Lieutenant Governor)

DEPUTY COLLECTOR (LA)

JOINT SECRETARY (REV)

GOVERNMENT OF PONDICHERRY

REVENUE DEPARTMENT

G.O.Ms.No.

Dated :

NOTIFICATION

Whereas it appears to the Government of Pondicherry that the land specified in the schedule below is needed for a public purpose to wit for-----

-----notice to the effect is hereby given to all whom it may concern in accordance with the provision of sub-section (1) of section 4 of the Land Acquisition Act 1894 (Central Act 1 of 1894) and the Lieutenant Governor, Pondicherry hereby authorizes the Deputy Collector (Land Acquisition) Pondicherry, his staff and workmen to exercise the powers conferred by sub-section (2) of section 4 of the said Act.

Under sub-section (4) of the section 17 of the Land Acquisition Act, the Lieutenant Governor, Pondicherry directs that in view of the urgency of the case, the provisions of section 5(A) of the Act shall not apply to this case.

SCHEDULE

TALUK :

VILLAGE :

SL. No.	R.S.NO	DRY/ WET	Name of the land owners/intersted persons	Extent H-A-CA
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(BY ORDER OF THE LIEUTENANT GOVERNOR)

DEPUTY COLLECTOR (LA)

JOINT SECRETARY (REVENUE)

GOVERNMENT OF PONDICHERRY

REVENUE DEPARTMENT

(G.O.Ms.No.

Dt.

)

NOTIFICATION

The Government of Pondicherry having been satisfied that the land specified in the schedule below have to be acquired for a public purpose viz.-----

-----under urgency provision and it having already been decided that the entire amount of compensation to awarded for the land is to be paid from the public revenue, the following declaration is issued under section 6 of the Land Acquisition Act, 1894 (Central Act 1 of 1894)

DECLARATION

Under section 6 of the Land Acquisition Act, 1894 (Central Act1 of 1894) the Lieutenant Governor of Pondicherry hereby declares that the lands specified in the schedule below and measruing an extent of----- Hectares to be same a little more or less are needed for a public purpose viz.,-----Under section 3 and 7 of the said Act, the Deputy Collector (Land Acquisition), Pondicherry is appointed to perform the functions of Collector under the said Act and directed to take order for the acquisition of the said lands. Under sub-section 1 of section 17 of the Act, Lieutenant Governor, Pondicherry further directs that the possession of the following lands may be taken on the expiry of 15 days after the date of publication of notice mentioned in section 9(1)of the Act. A plan of the land is kept in the Office of the Deputy Collector(Land Acquisition), Pondicherry and it may be inspected at any time during the office hours.

SCHEDULE

TALUK :

VILLAGE :

SL. No.	R.S.NO	DRY/ WET	Name of the land owners/intersted persons	Extent H-A-CA

(BY ORDER OF THE LIEUTENANT GOVERNOR)

DEPUTY COLLECTOR (LA)

JOINT SECRETARY (REVENUE)

GOVERNMENT OF PONDICHERRY

REVENUE DEPARTMENT

(G.O.Ms.No.

Dt.

)

NOTIFICATION

The Government of Pondicherry having been satisfied that the land specified in the schedule below have to be acquired for a public purpose to wit for the----- and it having already been decided that the entire amount of Compensation to be awarded for the land is to be paid from the public revenue the following declaration is issued under Section 6 of the Land Acquisition Act, 1894 (Central Act 1 of 1894).

DECLARATION

Under section 6 of the Land Acquisition Act, 1894 (Central Act 1 of 1894) the Lieutenant Governor of Pondicherry hereby declares that the land specified in the schedule below and measuring.....hectares be the same title more or less is needed for a public purpose to wit-----

-----Under Section 3 and 7 of the said Act, the Deputy Collector (Land Acquisition) Pondicherry is appointed to perform the functions of a Collector under the said Act, A plan of the land is kept in the office of the Deputy Collector (Land Acquisition) Pondicherry and it may be inspected at any time during the office hours.

SCHEDULE

TALUK :

Sub-Taluk :

VILLAGE :

SL. No.	R.S.NO	DRY/ WET	Name of the land owners/interested persons	Extent to H-A-CA
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GOVERNMENT OF PONDICHERRY

REVENUE DEPARTMENT

(G.O.Ms.No.

Dated :

)

NOTIFICATION

The Government of Pondicherry having been satisfied that the lands specified in the schedule below have to be acquired under the Land Acquisition (Companies) Rules, 1963 for a public purpose to wit for-----

----- and it having already been disclosed that the entire amount of compensation to be awarded for the lands is to be paid by the Company,-----the following declaration is issued under section 6 of the Land Acquisition Act, 1894 (Central Act 1 of 1894).

DECLARATION

Under section 6 of the Land Acquisition Act, 1894 (Central Act 1 of 1894), the Lieutenant-Governor, Pondicherry hereby declares that the lands specified in the schedule below and measuring----- Hect be the same a little more or less are needed for a public purpose to wit for----- and under section 3 and 7 of the said Act, the Deputy Collector (Land Acquisition), Pondicherry is appointed to perform the functions of a Collector under the said Act, and decided to take order for the acquisition of the said lands. A plan of the lands is kept ready in the Office of the Deputy Collector (Land Acquisition), Pondicherry and it may be inspected at any time during the office hours.

SCHEDULE

TALUK :

Sub-Taluk :

VILLAGE :

SL. No.	R.S.NO	DRY/ WET	Name of the land owners/interested persons	Extent H-A-CA
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(BY ORDER OF THE LIEUTENANT GOVERNOR)

DEPUTY COLLECTOR(LA)

JOINT SECRETARY (REVENUE)

GOVERNMENT OF PONDICHERRY
OFFICE OF THE SUB/DY.COLLECTOR (LAND ACQUISITION)

No. Pondicherry, the

To
Smt/Tmt.

Sir,

Sub: Land Acquisition - Acquisition of land at village for
Enquiry - Reg.

It is proposed to held an enquiry under section 17(3A) of the Land Acquisition Act on-----
at 10.00 a.m . in the chamer of Sub/Dy. Collector (LA), Pondicherry, in connection with the acquisition
of land detailed in the Schedule for the purpose of.....
you are required to submit title deeds to prove ownership of the land, and an Encumbrance Certifi-
cate for a period of 13 years. If no documents are submitted on the said date the payment of 30% of
total amount of compensation will be decided on merits.

Sl.No	Village Name	R.S.No.	Extent H.A.Ca	Classification

SUB-COLLECTOR (LAND ACQN)

Copy to :

1. The Revenue Inspector, L.A. Cell with instructions to serve the notice, on or before-----
and resubmit the served copy by.....
2. The Deputy Secretary to Government, Revenue Department, Pondicherry for favour of
information

SUB-COLLECTOR (LAND ACQN.)

GOVERNMENT OF PONDICHERRY

Office of the Deputy Collector

(Land Acquisition)

No.

Pondicherry, the

To

Sir/Madam,

Sub : L.A - Acquisition of land(s) at village for the

Taking possession of land - Intimation - Reg.

Adverting to the subject cited, it is informed that the Land Acquisition Officer has proposed to take over the following land(s) on.....at.....
You are requested kindly to be present on the spot on the above date and time.

R.S.No.

Extent

Yours faithfully,

Deputy Collector (L.A)

Copy to :

He is requested to depute an official on the above date and time for taking possession of the land from the Land Acquisition Officer.

FORM OF AGREEMENT UNDER SECTION 41 OF THE LAND ACQUISITION ACT

Memorandum of Agreement made this.....day of.....
Two thousand and two, between....., a company registered under..... having its office at.....
(herein after called "the company") represented by the Secretary to Government, Revenue Department, Pondicherry (hereinafter called " the Government of Pondicherry or in short the Government") of the other part

Whereas, upon the application of the Company, the Government has agreed to acquire on behalf of the company under the provisions of the Land Acquisition Act, 1894 (Central Act 1 of 1894) the parcels of land more fully described and delineated in the schedule hereto annexed and situated in the R.S.Nos.....,
it having been shown to the satisfaction of the Government that the proposed acquisition is needed for....., a work likely to prove useful to the public.

And Whereas, the Government has called upon the company under the provisions of section 41 of the said Act to enter into an agreement with the Government of Pondicherry hereinafter contained.

And now, therefore these presents witnesseth and it is hereby agreed and declared as follows :-

1. The Company shall pay to the Government of Pondicherry before the said lands are transferred to the Company, the total amount of compensation (compensation includes market value of the land, structures, trees, 30% solatium, additional market value and interest, if any, as per the provisions of the Land Acquisition Act) as settled by the Collector, or if reference is made to the Court u/s.18 of the LA Act and all costs of acquisition inclusive of all payments and allowances in respect thereof payable under the said Act and Court costs and Pleader fees etc, incurred by the Government in defending the reference, if any, made to the Court as aforesaid and an appeal or appeals filed in connection therewith and all costs, Pleader fees etc., payable or paid by the Government to the claimant in the said matters. The Government shall not be bound to give possession of the lands until all the said moneys have been paid and may withdraw from the acquisition and in case of withdrawal, the Company shall be liable to indemnify the Government against all expenss incurred and damages sustained as the result of anything done by them in the matter of acquisition.

2. Upon such payment by the Company, the Government shall execute and do all such acts, deeds, matters and things as may be necessary or proper for effectively vesting the said land with the company and giving the company an absolute title thereto subject to the payment of an assessment or ground rent as hereinafter provided.

3. The terms upon which the said lands shall be held by the Company are :-

- (a) that the lands shall be used for the Construction of Medical College and Hospital and facilities incidental thereto:
- (b) that the Company shall pay to the Government annually the appropriate assessment of ground rent, as the case may be, on the land which shall be liable to revision at any general revision of the land revenue settlement ;

- (c) that in the event of the Company being wound up or in the event of failure on the part of the Company to carry out the terms of the Agreement, that is to say, for the construction of Medical College and Hospital, the lands shall be liable to be resumed and taken back by the Government on repayment to the Company of the amount of award as finally settled less the 30% awarded for compulsory acquisition or the estimated market value of the lands at the time of resumption whichever shall be less, and if there are any buildings on the lands erected by the Company, the said Government may at their option either purchase the buildings on the payment of their estimated value at that time or direct the Company to remove the buildings at its own cost within such time as may be allowed by the said Government ;
- (d) that in the event of the voluntary relinquishment of the lands with buildings by the Company as not required for the purpose for which it was acquired, the Government may resume the lands with buildings, if they are required for a public purpose, or if the Government decides not to exercise this power and informs the Company accordingly, the latter may dispose of the lands with buildings in any manner as it likes. In the event of the resumption of the lands with buildings under this condition, the compensation payable to the Company shall be the value of the lands with buildings at the time of acquisition (less the 30% awarded for compulsory acquisition) or their value at the time of resumption whichever may be less, together with the value of the buildings and other improvements made by the Company, at the time of resumption. If there are buildings on the land which the Government does not require, the Company shall remove them at its cost ;
- (e) that the Government shall have the right to resume the lands with buildings if the Company does not use the land with buildings for the purpose for which it was acquired within a period of one year or such further extended period as may be permitted by the Government to be reckoned from the date on which the land was placed in possession of the Company.

4. All the costs and expenses incidental to the preparation and execution of the Agreement (including stamp duty and costs of registration, if registration be required by the Government) shall be paid by the Company.

SCHEDULE ABOVE REFERED TO

Registration District :

Name of the Village :

SL. No.	R.S.No.	DRY/ WET	Extent H.A.Ca East	BOUNDARIES		
				West	North	South
<hr/>						

In witness whereof the seal of the Company, hath thereunto been affixed and the indenture executed for and on behalf of the Company by-----
and the Secretary to Government of Pondicherry, Revenue Department by order and direction of and for and on behalf of the Government of Pondicherry hath hereunto set his hand the day and year first above written.

Signatory for the Company

Secretary (Revenue)

Signed, sealed and delivered by the
above-named in the presence of

Witnesses :

Witnesses :

1. for signatory of the Company

1.-----
The Joint Secretary (Rev.) Pondicherry

2. for signatory of the company

2. -----
The Deputy Collector (LA), Pondicherry.