

# Land Acquisition (Tamil Nadu Amendment) Act, 1961

TAMILNADU

India

## Land Acquisition (Tamil Nadu Amendment) Act, 1961

### Act 23 of 1961

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Land Acquisition (Tamil Nadu Amendment) Act, 1961(Tamil Nadu Act 23 of 1961)Statement of Objects and Reasons - Land Acquisition (Tamil Nadu Amendment) Act, 1961 (Tamil Nadu Act 23 of 1961). - It is noticed that there is an abnormal increase in the market value of lands in recent times in and around the City of Madras and also in other towns. Consequent on the industrial expansion of the country, speculative transactions in lands are also on the increase in order to push up land prices. In order to enable the Government to acquire lands which are required, exclusively for housing schemes at reasonable prices, it is considered necessary to suitably modify the principles on which compensation to be awarded for the lands will be determined and paid. The Government have accordingly decided to lay down that the amount of compensation to be awarded should be determined on the basis of the actual use to which the land was put at the date of the publication of the notification under section 4(1) of the Land Acquisition Act, 1894 (Central Act I of 1894), and not on the basis of the suitability or adaptability of the land for tiny use other than the use to which it was put on the date aforesaid. With a view to exclude from consideration the steep increase in price due to speculative transactions, it has also been decided to lay down that the amount of compensation should be the market value of the land at the date of publication of the notification under section 4(1) of the Act or its average market value during the five years immediately preceding the said date, whichever is less. Accordingly, it is proposed to suitably amend sections 23 and 24 of the Land Acquisition Act, 1894. It is also proposed to make the provisions of sections 23 and 24 as amended applicable to pending proceedings in which awards have not been passed under section 11 of that Act. The Bill seeks to give effect to the above objects. Published in Part IV-Section 3, page 40-41 of the Fort St. George Gazette Extraordinary, dated the 23rd February 1961. Received the assent of the President on the 22nd June 1961 and first published in the Fort St. George Gazette, dated the 5th July 1961. An Act further to amend the Land Acquisition Act, 1894, in its application to the [State of Tamil Nadu] [Substituted for 'State of Madras' by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.]. Whereas it is expedient further to amend the Land Acquisition Act, 1894 (General Act I of 1894), in its application to the [State of Tamil Nadu] [Substituted for 'State of Madras' by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.]; Be it enacted in the Twelve the Year of the Republic of India as follows:-

## **1. Short title, extent and commencement.**

(1) This Act may be called the Land Acquisition ([Tamil Nadu] [Substituted for the word 'Madras' by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.] Amendment) Act, 1961. (2) It extends to the whole of the [State of Tamil Nadu] [Substituted for 'State of Madras' by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.]. (3) It shall come into force on such date as the State Government may, by notification, appoint; and different dates may be appointed for different areas.

## **2. Definition.**

- In this Act, unless the context otherwise requires "housing scheme" means any State Government scheme the purpose of which is increasing house accommodation and includes any scheme by a local authority, company or body corporate for such purpose undertaken with the previous sanction of the State Government.

## **3. Sections 23 and 24 of Central Act I of 1894 to apply with certain modification in respect of acquisition of lands for housing schemes.**

- Where any land is acquired for any housing scheme, the Land Acquisition Act, 1894 (Central Act I of 1894), as in force in the [State of Tamil Nadu] [Substituted for 'State of Madras' by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.], shall apply subject to the following modifications, namely:- (1) In section 23 of the said Act,- (a) in sub-section (1), (i) for clause first, the following clause shall be substituted, namely:- "first, the market value of the land at the date of the publication of the notification under section 4, sub-section (1), or an amount equal to the average market value of the land during the five years immediately preceding such date, whichever is less;" (ii) in clause fifthly, the word "and" occurring at the end shall be omitted; (iii) in clause sixthly, the word "and" shall be added at the end; and (iv) after clause sixthly, the following clause shall be added, namely:- "seventhly, the use to which the land was put at the date of the publication of the notification under section 4, sub-section (1)."; (b) in sub-section (2), for the words "fifteen per centum", the words "five per centum" shall be substituted. (2) In section 24 of the said Act,- (i) in clause sixthly, the word "or" occurring at the end shall be omitted; (ii) in clause seventhly, the word "or" shall be added at the end; and (iii) after clause seventhly, the following clause shall be added, namely:- "eighthly, any increase to the value of the land acquired by reason of its suitability or adaptability for any use other than the use to which the land was put at the date of the publication of the notification under section 4, sub-section (1)."

## **4. Application of the Act to pending cases of acquisition.**

- The provisions of section 3 shall apply also to every case in which proceedings have been started before the commencement of this Act for the acquisition of any land for the execution of any housing schemes, provided that no award has been made by the Collector under section 11 of the Land

Acquisition Act, 1894 (Central Act I of 1894), before such commencement.

## **5. Saving of other laws.**

- Save as otherwise provided in this Act, the provisions of this Act shall be in addition to, and not in derogation of, any other law for the time being in force regulating any of the matters dealt with in this Act.