

# **Rajasthan Resettlement of Displaced Persons (Land Acquisition) Ordinance, 1949**

RAJASTHAN

India

## **Rajasthan Resettlement of Displaced Persons (Land Acquisition) Ordinance, 1949**

### **Act 33 of 1949**

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Rajasthan Resettlement of Displaced Persons (Land Acquisition) Ordinance, 1949(Ordinance No. 33 of 1949)[Published in the Rajasthan Gazette (Raj-Patra), No. 87, dated October 15, 1949][Promulgated by His Highness the Rajpramukh on the 22nd day of September, 1949.]An Ordinance to provide for the speedy acquisition of land for the resettlement of displaced persons.Whereas it is expedient to provide for the speedy acquisition of land for the resettlement of displaced persons in [the state of Rajasthan] [Substituted by Rajasthan Act 27 of 1957.] and for matters incidental thereto:Now, Therefore, in exercise of the power conferred by paragraph (3) of Article X of the Government, His Highness the Rajpramukh is pleased to make and promulgate the following Ordinance:-

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

(1)This Ordinance may be called the Rajasthan Resettlement of Displaced Persons (Land Acquisition) Ordinance, 1949.-(2)[ It extends to the whole of this State of Rajasthan] [Substituted by Rajasthan Act 27 of 1957.](3)It shall come into force at once.

### **2. Definitions.**

- In this Ordinance.-(a)"Competent authority" means any person or officer appointed by the Government, by notification in the [Official Gazette] [Substituted by Rajasthan Act 27 of 1957.], to perform all or any of the functions of a competent authority under this Ordinance:(b)"displaced person" means any person who, on account of the partition of India, or on account of civil disturbances or the fear of such disturbances in any area now forming part of Pakistan has been displaced from, or has left, his place of residence in such area after the 1st day of March, 1947 and who has subsequently been residing in [the State of Rajasthan] [Substituted by Rajasthan Act 27 of

1957.]; and(c)[x x x ] [Omitted by Rajasthan Act 27 of 1957.](d)"land" includes benefits to arise out of land and things attached to the earth or permanently fastened to anything attached to the earth.

### **3. Notice of acquisition of land.**

(1)Whenever it appears to the [State Government] [Substituted by Rajasthan Act 27 of 1957.] that it is necessary or expedient to acquire speedily any land for the resettlement of displaced persons, a notification to that effect shall be published in the [Official Gazette] [Substituted by Rajasthan Act 27 of 1957.] stating the area and the boundaries of the land proposed to be acquired and the date on which such acquisition will be made, and the competent authority shall cause public notice of the substance of such notification to be given at convenient places on or near the land to be acquired.(2)Nothing in sub-section (1) shall empower the [State Government] [Substituted by Rajasthan Act 27 of 1957.] to acquire any land which is being used for the purpose of a school, orphanage or hospital or is being used exclusively for the purpose of religious worship.

### **4. Service on owner or occupier affected by notice of acquisition.**

- As soon as may be after the publication of the notification under section 3, the competent authority shall cause to be served by registered post on the owner of the land and also on the occupier in cases where the owner is not in occupation of the land, or where the person to be served is not readily traceable or the ownership of the land is in dispute, shall published in the [Official Gazette] [Substituted by Rajasthan Act 27 of 1957.], a notice stating the particulars specified in sub-section (1) of section 3.

### **5. Vesting and taking possession of land.**

(1)When a notice of acquisition is served or is published under section 4, the land shall vest absolutely, in the [State Government] [Substituted by Rajasthan Act 27 of 1957.] free from all encumbrances on the date of the notice is so served or published in the [Official Gazette] [Substituted by Rajasthan Act 27 of 1957.](2)The competent authority at time after the land has become so vested, proceed to take possession thereof:Provided that such authority shall not take possession of any building or part of a building under this sub section without giving to the occupier thereof at least forty-eight hours notice of his intention so to do, or such longer notice as may be reasonably sufficient to enable such occupier to remove his movable property from such building without unnecessary inconvenience.

### **6. Objections to acquisition.**

(1)Any person interested in any land which has become vested in the [State Government] [Substituted by Rajasthan Act 27 of 1957.] under section 5 may, within one month from the vesting thereof, file his objection: if any: to the acquisition before the competent authority and such authority may: after making such inquiry as it thinks fit; either dismiss the objection or release the land; in respect of which objection has been filed from acquisition.(2)If any land is released from

acquisition under sub-section (1), it shall be deemed to revest in the person originally entitled thereto and any encumbrance which may have been extinguished under section 5, shall revive.

## **7. Method of determining compensation.**

(1) Where any land has been acquired under this Act, there shall be paid compensation, the amount of which shall be determined in the manner and in accordance with the principles hereinafter set out, that is to say:-(a) where the amount of compensation can be fixed by agreement, it shall be paid in accordance with such agreement; (b) where no such agreement can be reached the [State Government] [Substituted by Rajasthan Act 27 of 1957.] shall appoint as arbitrator a person qualified for appointment as a Judge of the High Court; (c) the [State Government] [Substituted by Rajasthan Act 27 of 1957.] may, in any particular case, nominate a person having expert knowledge as to the nature and condition of the land acquired to assist the arbitrator and where such nomination is made, the person to be compensated may also nominate as assessor for the said purpose; (d) at the commencement of the proceedings before the arbitrator, the [State Government] [Substituted by Rajasthan Act 27 of 1957.] and the person to be compensated shall state, what in their respective opinion is a fair amount of compensation; (e) the arbitrator, in making his award, shall have due regard to the matters to be taken into consideration in awarding compensation for land acquired under [the Rajasthan Land Acquisition Act, 1953 (Rajasthan Act XXIV of 1953)] [Substituted by Rajasthan Act 27 of 1957.]: Provided that market value of the land shall be deemed to be the market value of such land on the date of publication of the notice under section 3, or on the first day of September, 1939 with an addition of 40 per cent whichever is less: Provided further that where such land has been held by the owner thereof under a purchase made before the first day of April, 1948, but after the first day of September, 1939, by a registered document, or a decree for pre-emption between the aforesaid dates, the compensation shall be the price actually paid by the purchaser or the amount on payment of which he may have acquired the land in the decree for pre-emption as the case may be. (2) The arbitrator shall, in awarding any compensation under this section, apportion the amount thereof between such persons, if any, as may appear to him to be entitled thereto; (3) An appeal shall lie to the High Court from the award of the arbitrator appointed under this Ordinance, and the decision of the High Court shall be final. (4) Save as provided in this section nothing in any law for the time being in force shall apply to arbitrations under this section.

## **8. Payment of compensation.**

- The compensation awarded shall be paid by the competent authority to the person entitled thereto according to the award: Provided that nothing herein contained shall affect the liability of any person who may receive the whole or any part of any compensation awarded under this Ordinance to pay the same to the person lawfully entitled thereto.

## **9. Power to secure information.**

- The [State Government] [Substituted by Rajasthan Act 27 of 1957.] or the competent authority may, with a view to determining the compensation payable under this Ordinance by order, require any person to furnish to such authority as may be specified in the order such information in his

possession relating to the land that may be so specified.

## **10. Disposal of land.**

- Subject to such rules as may be made by the [State Government] [Substituted by Rajasthan Act 27 of 1957.] the competent authority may use or deal with any land acquired under the provisions of this Ordinance in such manner and subject to such conditions as may appear to it to be expedient for the purpose of wresting displaced persons: Provided that no displaced person to whom any land has been allotted under the provisions of this section shall transfer such land to any other person except with the previous consent of the competent authority.

## **11. Penalties.**

- Whoever wilfully obstructs any person in lawfully taking possession of any land under this Ordinance or refuses to furnish any information as required by section 9 shall be punishable with imprisonment which may extend to one month or with fine which may extend to fifty rupees or with both.

## **12. Exemption from stamp duty and fees.**

- No award or agreement under this Ordinance shall be chargeable with stamp duty and no person claiming under any such award or agreement shall be liable to pay any fee for a copy of the same.

## **13. Protection for action done in good faith.**

- No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done in pursuance of this Ordinance or any order or rule made thereunder.

## **14. Powers to make rules.**

(1) The [State Government] [Substituted by Rajasthan Act 27 of 1957] may make rules to carry out the objects of this Ordinance, and for the guidance of officers in all matters connected with its enforcement. (2) In particular and without prejudice to the generality of the foregoing power, such rules may prescribe—(a) the manner in which land acquired under this Ordinance may be used or dealt with; (b) the procedure to be followed in arbitrations under this Ordinance; (c) the principles to be followed in apportioning the costs of proceedings before the arbitrator and on appeal.

## **15.**

[Omitted] [Omitted by Rajasthan Act 27 of 1957.]

**16.**

[Omitted] [Omitted by Rajasthan Act 27 of 1957.] Notifications [Notification dated 18-2-1952, Published in Rajasthan Rajpatra Part I, dated 19-2-1952, Page 1086] In pursuance of clause (a) of section 2 of the Rajasthan Resettlement of Displaced Persons (Land Acquisition) Ordinance, 1949 (No 33 of 1949), the Government of Rajasthan is pleased to appoint the Collector Jhalawar, to perform the functions of a competent authority under the said Ordinance within the Municipal Limits of Bhawani Mandi. [Notification dated 29-5-1953, Published in Rajasthan Rajpatra Part I, dated 6-6-1953, Page 122] In pursuance of clause (a) of section 2 of the Rajasthan Resettlement of Displaced Persons (Land Acquisition) Ordinance, 1949 (No 33 of 1949), the Government of Rajasthan hereby appoints all Collectors of Districts in Rajasthan, by virtue of their office, to perform the functions of a competent authority under the said Ordinance within their respective district. [Notification dated 7-4-1955, Published in Rajasthan Rajpatra Part I, dated 23-4-1955, P-21] In pursuance of clause (a) of section 2 of the Rajasthan Resettlement of Displaced Persons (Land Acquisition) Ordinance, 1949 (No 33 of 1949), the Government of Rajasthan is pleased to appoint the Land Acquisition Officer, Jaipur by virtue of his office, to perform the functions of a competent authority under the said Ordinance within the local limits of his jurisdiction. [Notification dated 24-10-1956, Published in Rajasthan Rajpatra Part IV-C, dated 13-12-1956, p.66] In pursuance of clause (a) of section 2 of the Rajasthan Resettlement of Displaced Persons (Land Acquisition) Ordinance, 1949 (No 33 of 1949), the Government of Rajasthan is pleased to appoint the Land Acquisition Officer, Jaipur as the competent authority to perform all the functions of a competent authority under the said Ordinance. [Notification dated 14-3-1957, Published in Rajasthan Rajpatra Part IV-C, dated 13-12-1956, Page 15] In pursuance of clause (a) of section 2 of the Rajasthan Resettlement of Displaced Persons (Land Acquisition) Ordinance, 1949 (No 33 of 1949), and in supersession of the Government Notification dated 24th October 1956, the State Government is pleased to appoint hereby the Land Acquisition Officer, Jaipur as the competent authority to perform all the functions of a competent authority under the said Ordinance in respect of the acquisition of land belonging to the Dharmik Paropkarini Samiti situated in Madanganj, Kishangarh for construction of shops for displaced persons. [Notification dated 5-4-1957, Published in Rajasthan Rajpatra Part IV-C, dated 9-5-1957, Page 37] In pursuance of clause (a) of section 2 of the Rajasthan Resettlement of Displaced Persons (Land Acquisition) Ordinance, 1949 (No 33 of 1949), the Government of Rajasthan is pleased to appoint the Land Acquisition Officer, Jaipur as the competent authority to perform all the functions of a competent authority under the said Ordinance in respect of the acquisition of the land as per Revenue Department Notification dated 29th December, 1954. [Notification dated 24-6-1957, Published in Rajasthan Rajpatra Part IV-C, dated 13-12-1956, Page 228] In pursuance of clause (a) of section 2 of the Rajasthan Resettlement of Displaced Persons (Land Acquisition) Ordinance, 1949 (No 33 of 1949), the Government of Rajasthan is pleased to appoint the Land Acquisition Officer, Jaipur as the competent authority to perform all the functions of a competent authority under the said Ordinance within the Municipal limits of the City of Jaipur.