

The Chhattisgarh Underground Pipelines (Acquisition of Right of User in Land) Rules, 2004

CHHATTISGARH

India

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Rule

THE-CHHATTISGARH-UNDERGROUND-PIPELINES-ACQUISITION-OF- of 2004

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The Chhattisgarh Underground Pipelines (Acquisition of Right of User in Land) Rules, 2004 Published vide Notification No. F 7-15/Revenue/04, dated 17-6-2004, C.G. Rajpatra (Asadharan), dated 23-6-2004 at pages 248 (9-19) In exercise of the powers conferred by sub-section (1) of Section 6 of the Chhattisgarh Underground Pipelines (Acquisition of Right of User in Land) Act, 2004 (No. 7 of 2004), the State Government hereby makes the following rules ;-

1. Short title, extent and commencement.

- (i) These rules may be called the Chhattisgarh Underground Pipelines (Acquisition of Right of User in Land) Rules, 2004. (ii) It shall come into force from the date of its publication in Official Gazette. (iii) It extends to the whole State of Chhattisgarh.

2. Definitions.

- In these rules, unless the context otherwise requires, - (a) "Act" means the Chhattisgarh Underground Pipelines (Acquisition of Right of User in Land) Act, 2004 (No. 7 of 2004); (b) "Rules" means rules made under the Act; (c) "Form" means form enclosed in the rules; (d) The words and expressions used but not defined therein shall have the meaning respectively as assigned to them in the Chhattisgarh Underground Pipelines (Acquisition of Right of User in Land) Act, 2004 (No. 7 of 2004).

3.

On proposal of acquisition of Right of User in Private land to lay underground pipeline under the Act, by the State Government or the Corporation, the State Government may appoint one or more a working officer not below the rank of Deputy Collector as "Competent Authority" for the specified area under clause (a) of Section 2 of the Act.

4.

For the acquisition of Right of User to lay underground pipeline, an application in Form "A" shall be submitted to the Competent Authority by the State Government or the Corporation. The application shall contain the name of concerned villages, name of land owner/occupier of the land, name of father/husband, khasra number, area proposed for acquisition of Right of User and copies of Panchasala Khasra, B-1 and map also to be enclosed.

5.

(1)After receipt of application the Competent Authority shall declare his intention by notification in the Official Gazette in Form "B" that in the public interest the acquisition of Right of User is necessary to lay underground pipelines. This notification shall be published in the following places as well as in Official Gazette,-(i)On the notice board of the office of the Collector;(ii)On the notice board of the office of the Competent Authority;(iii)On the notice board of the office of the Tahsildar;(iv)On the notice board of the office of the concerned Gram Panchayat; and(v)On the place of usual public gathering of concerned village.(2)Competent Authority shall serve the notice to the land owner/occupier regarding the acquisition of Right of User in private land. The notice may be served,-(i)In person to the land owner/occupier;(ii)To any adult person of family of land owner/occupier;(iii)By post to land owners/occupier;(iv)By pasting notice on the house or his last known residence of the land owner/occupier.

6.

Competent Authority shall publish the declaration in "Form D" by notification in Official Gazette under sub-section (1) of Section 4, after the disposal of received objections after the prescribed period of the publication of the notification under sub-section (1) of Section 3. The declaration shall be published in other places also prescribed in Rule 5 (1). From the date of publication of the declaration under sub-section (1) of Section 4, the Right of User in the land mentioned therein shall be vested in the State Government free from all the encumbrances.

7.

After publication of declaration under sub-section (1) of Section 4, the Competent Authority shall decide the loss of crop income, compensation of trees and other losses from the land mentioned therein, in the following manner,-(a)any land may be considered single cropped or double cropped

on the basis of crops yielded in the last years. If no crops were yielded in any land in the last three years, the land deemed to be "fallow land" the loss of crop income shall not be calculated. The loss of crop income shall be calculated as follows :-Calculation of Crop Income = Standard out turn of Crop X Support price of crop(b)Competent Authority shall get calculated the compensation of trees from Forest Department/Horticulture Department;(c)Other losses with movable or immovable property shall be decided by the Competent Authority on opinion of the concerned department.

8.

The State Government or the Corporation shall deposit the compensation amount determined under Section 9 to the Competent Authority by cheque within the period of one month from the date of declaration under sub-section (1) of Section 4.

9.

Competent Authority shall obtain the possession certificate in Form E for acquisition of Right of User in land to lay underground pipeline for the specified period from the land owner/occupier at the time of payment of compensation to the land owner/occupier under sub-section (3) of Section 10.

10.

Competent Authority shall submit a report to the State Government after payment of an amount of compensation to land owner/occupier under sub-section (3) of Section 10. On the basis of report of Competent Authority, the State Government may, by written order invest the Right of User in land in the Corporation proposing to lay underground pipeline instead of the State Government and such terms & conditions may be imposed as the State Government think fit.

11.

After laying underground pipeline the land shall be leveled by the State Government or the Corporation as the case may be and the possession of land shall be handed over to the land/occupier by the Competent Authority. In this regard, Competent Authority shall obtain the possession handed over certificate in "Form E" from the land owner/occupier.

12.

After handing over the possession of land to the land owner/ occupier, the Corporation who laid the underground pipeline or the persons authorized by the Corporation shall have the power to enter in the land and to the work as found necessary for inspection, maintenance, repair, replacement or removal of the underground pipeline.

13.

All payment and payable amount under the decree/decision passed by the Court in the Court cases arising regarding acquisition of Right of User in land or payment of compensation under the Act shall bear by the State Government, as the case may be.

14.

The compensation as per order passed by the District Judge regarding compensation cases, shall be paid to the land owner/occupier or their legal heirs by the State Government or Corporation as the case may be.

15.

The State Government may execute an agreement with the Corporation regarding the payment of establishment expenditure, office expenditure and other expenditures of the office of Competent Authority.

16.

The State Government may issue circulars or directions for the solution of difficulties regarding implementation of the Act and the rules framed thereunder. Form A[See Rule 4]To, The Competent Authority.....Subject. - Application for Acquisition of Right of User of Private land for.....Project, Distt..... under Chhattisgarh Underground Pipelines (Acquisition of Right of User in Land) Act, 2004. There is proposal to lay Underground Pipeline from.....Tehsil.....District to Tehsil District for transportation of.....for.....Project. The land details, B-1, Khasra and map of proposed land for acquisition to lay underground pipelines for the said project is enclosed herewith. Therefore, an action to be taken for acquisition of Right of User in private land described in enclosed details, under Chhattisgarh Underground Pipelines (Acquisition of Right of User in Land) Act, 2004. Enclosure: DetailsApplicantDetails

S. No.	Name of Village/ P.C.N.	Name of land owner/occupier	Khasra No.	Total area (in acres)	Land required for R.G.U. for laying underground pipelines (in acres)
1	2	3	4	5	6

Form B[Under sub-section (1) of Section 5]NotificationNo....., whereas, it appears to the State Government that it is necessary in the public interest that for the transportation of.....from village Tehsil District.....to.....Tehsil.....District in Chhattisgarh State, an underground pipeline should be laid by the M/s.....And whereas, it appears to the State Government that for the purpose of laying the said pipeline, it is necessary to acquire the Right of User in the land under which the said pipeline is proposed to be laid which is described in the

schedule annexed to this notification. Now, therefore in exercise of the power conferred by sub-section (1) of Section 3 of the Chhattisgarh Underground Pipelines (Acquisition of Right of User in Land) Act, 2004 (7 of 2004), the State Government, hereby, declare its intention to acquire the right of user therein. Any person interested in the land described in the said Schedule may, within twenty one days from the date on which the publication of notification in the Official Gazette under sub-section (1) of Section 3 of the Act, object in writing to the laying of underground pipeline under the land to the Competent Authority.....Chhattisgarh.

Schedule

District Tehsil Village/P.C.N. Khasra No. Land to be acquired for R.O.U. (in acres)

1	2	3	4	5
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Competent Authority Form C [See sub-rule (2) of Rule 5] Notice A notification dated has been published in the gazette regarding declaration of the intention of the State Government to acquire the Right of User in the following land or your ownership/occupancy to lay underground pipeline for the..... project under sub-section (1) of Section 3 of the Chhattisgarh Underground Pipelines (Acquisition of Right of User in Land) Act, 2004 (No. 7 of 2004).

District Tehsil Village Khasra No. Land to be acquired for R.O.U. (in acres)

1	2	3	4	5
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Therefore, you are hereby informed under Rule 5 (2) framed under the Act, that it is proposed to acquire the right of user in the land of your ownership/occupancy, by the State Government. Competent Authority Dale..... Place..... Form D [See Rule 6] Notification Whereas by notification of the Competent Authority No..... Dated issued under sub-section (1) of Section 3 of the Chhattisgarh Underground Pipelines (Acquisition of Right of User in Land) Act, 2004 (No. 7 of 2004) (hereinafter referred to as the said Act), the State Government declares its intention to acquire the Right of User in the land specified in the schedule appended to the notification for the purpose of laying the pipelines for transportation of from village Tehsil, District to village Tehsil District for Project, by And that notification published in the Official Gazette on and made with publishing the notification on the notice board of the office of the Collector, Competent Authority, Tehsildar as well as Gram Panchayat and on the place of usual public gathering of concerned village, its notice has also been served to the land owner/occupier. And whereas the objections received from the public to the laying of the said pipeline have been considered and disallowed by the Competent Authority. Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 4 of the said Act, the Competent Authority hereby declares that the right of user in the lands specified in the schedule appended to this notification is hereby acquired for laying the pipeline. And, from the date of publication of this declaration, as per sub-section (2) of Section 4 of the said Act, the Right of User in the land for laying the pipeline shall vest in the State Government free from all encumbrances.

Schedule 2

District Tehsil Village/P.C.N. Khasra No. Land to be acquired for R.O.U. (in acres)

1 2 3 4 5

Competent Authority Form E [See Rule 9] Possession Certificate

1. As per declaration date issued under sub-section (1) of Section 4 of the Chhattisgarh Underground Pipelines (Acquisition of Right of User in Land) Act, 2004 (No. 7 of 2004) the following land of your ownership/occupancy shall be used by for the laying of underground pipeline for.....project.

S. No.	Name of Village/P.C.N.	Name of land owner/occupier	Khasra No.	Land required under R.O.U. for laying underground pipeline (in acres)
1	2	3	4	5

2. The compensation determined loss of income of crops, trees and other losses under Section 9 of the Act.

S. No.	Type of Compensation	Total payable amount of compensation	Date of receipt of Compensation
Compensation on loss of income of crops	Compensation of Trees	Compensation of loss of other assets	Additional compensation of land
1	2	3	4 5 6 7

3. The Right of User in land shall be utilized from today dated.....upto.....for, which the payment of compensation and additional compensation has been paid to you on dated..... for acquisition of right of user in above-mentioned land. If the work of laying underground pipeline should not be completed in specified period, the working period can be extended. In the extended period, the compensation of loss of income of crops if any, shall be paid separately.

Competent Authority Signature of land owner/occupier Signature of two witnesses.

1.

.....Name and Address 2....., Name and AddressForm F Possession Return Certificate

1. As per declaration datedissued under sub-section (1)of Section 4 of the Chhattisgarh Underground Pipelines (Acquisition of Right of User in Land) Act, 2004 (No. 7 of 2004) the right of user in the following land of your ownership/occupancy has been acquired from dated.....to dated.....for the laying of underground pipeline for.....project.

S. No.	Name of Village/P.C.N.	Name of land owner/occupier	Khasra No.	Land Acquired for R.O.U. (in acres)
1	2	3	4	5

1.

2.

2. Under Section 9 of the Act, the total compensation payment has been paid for acquisition of Right of User in the above land. There is no any balance of payable amount in this regard.

3. The possession of above levelled land is handed over to you today dated

Competent AuthoritySignature of land owner/occupierSignature of two witnesses.

1.

.....Name and Address 2....., Name and Address