

The Tamil Nadu Acquisition of Land for Harijan Welfare Schemes Rules, 1979

TAMILNADU

India

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Rule

THE-TAMIL-NADU-ACQUISITION-OF-LAND-FOR-HARIJAN-WELFARE- of 1979

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The Tamil Nadu Acquisition of Land for Harijan Welfare Schemes Rules, 1979Published vide Notification No. G.O. MS. No. 1628, Social Welfare, dated the 21st September 1979, Published dated 24.9.1979 - No. SRO A-255 (b)/79In exercise of the powers conferred by section 23 of the Tamil Nadu Acquisition of Land for Harijan Welfare Schemes Act, 1978 (Tamil Nadu Act 31 of 1978), the Governor of Tamil Nadu hereby makes the following rules:

1. Short title.

- These rules may be called the Tamil Nadu Acquisition of Land for Harijan Welfare Schemes Rules, 1979.

2. Definitions.

- In these rules, unless the context otherwise requires,-(a)"Act" means the Tamil Nadu Acquisition of Land for Harijan Welfare Schemes Act, 1978 (Tamil Nadu Act 31 of 1978);(b)"Form" means a form appended to these rules;(c)"section" means a section of the Act.

3. Procedure for acquiring land.

- (i) The District Collector or the officer authorised by him in this behalf shall serve a show cause notice in Form I under sub-section (2) of section 4 individually on the owner or on all persons interested in the land to be acquired. If the owner or any other person interested in the land resides

elsewhere than where the land is situated, the show cause notice shall be sent by registered post (Acknowledgment Due) to the last known address of the owner or any other person interested.(ii)The District Collector, if, after passing such orders as required by subsections (2) and (3) of section 4, is satisfied that it is necessary to acquire the land, notice in Form II to that effect shall be published in the District Gazette.

4. Determination of market value of the land.

- The market value of the land under sub-section (1) of section 7 shall be determined in one or more of the following methods:-(i)The price paid for similar land or portion of same land in recent years after due allowance being made for lapse of time, advantage of situation or any other possible differences between the land sold and that proposed to be acquired.(ii)The price paid for similar lands in the vicinity in recent years.(iii)The annual income from the land which may be capitalised for a certain number of years of purchase, the number of years being determined on the nature of the land, the state of the money market and other relevant circumstances.(iv)The value of the land shall be subject to full assessment including the value of trees, buildings, or crops standing thereon in the normal condition in which it would have come into the market at the time of publication of the notice under sub-section (1) of section 4.

5. Procedure for determining the amount.

- (i) Immediately after the publication of the notice under sub-section (1) of section 4 of the Act in the District Gazette by the District Collector, the prescribed authority shall serve a notice in Form III to the owner and to all persons interested to appear before him on a day to be specified which shall not be earlier than fifteen days after the publication of notice under sub-section (1) of section 4 of the Act for inquiry. The notice shall also be displayed at prominent places or near the land under acquisition.(ii)On the day specified or on any other day to which the enquiry is to be adjourned, the prescribed authority shall proceed to inquire into the objections which the owner or any person or persons interested may raise in regard to the extent, value of the land and the nature of interest of the different claimants to the land and shall determine by order which shall be in Form IV under his hand of-(a)the true owner of the land;(b)market value of the land and solatium; and(c)the apportionment of the amount payable among all the persons known or believed to be interested in the land of whom or of whose claims he has information, whether or not they have appeared before him. The prescribed authority shall state specifically the particulars of apportionment wherever necessary.

6. Appeal against order of amount determined.

- Any person, who does not agree to the amount determined by the prescribed authority under sub-section (3) of section 7 of the Act, may prefer an appeal to the Court within a period of six weeks from the date of receipt of the copy of the order of the prescribed authority.

7. Register for installment payments.

- A register showing the payment of amount in installments referred to in clause (ii) of sub-section (1) of section 11 shall be maintained in Form V

8. Second appeal.

- Where the amount, as determined by the prescribed authority by order under sub-section (3) of section 7, exceeds rupees fifty thousand, a second appeal shall lie to the High Court from any decision of the Court under the Act. Form II [See Rule 3(i)] Notice Notice is hereby given that the land/ lands specified in the Schedule below and situated in village taluk district is/ are necessary to be acquired for the purpose of All persons interested in the land/ lands are accordingly directed to lodge before the Collector of district/ Officer authorised by the Collector of district under sub-section (2) of section 4 of the Tamil Nadu Acquisition of Land for Harijan Welfare Schemes Act, 1978 (Tamil Nadu Act 31 of 1978), within fifteen days after service of this notice, a statement in writing of their/ your objections, if any, showing cause why the land/ lands mentioned in the Schedule below should not be acquired. The statement of objections, if any, received after the expiry of the time stipulated or sent by a person, who is not interested in the land, is liable to be summarily rejected. The statement of objections, if any, received within the time stipulated will be enquired into at on the at the office of the They/ You will be at liberty to appear in person or represented by pleader and adduce any oral or documentary evidence in support of their/ your objections, failing which, it will be presumed that they/ you have no objection whatsoever in respect of the said land/ lands to be acquired and action will be taken accordingly. The Schedule District : Taluk Village

Survey No. Description Extent owner Reputed

(1) (2) (3) (4)

Form II [See Rule 3(ii)] Notice Under Section 4(1) of the Tamil Nadu Acquisition of Land for Harijan Welfare Schemes Act, 1978 Whereas, it appears to the Government of Tamil Nadu that the land/ lands specified in the Schedule below and situated in the village, taluk, district, is/ are needed for the purpose of Harijan Welfare Scheme to writ, notice to that effect is hereby given to all to whom it may concern in accordance with the provisions of sub-section (1) of section 4 of the Tamil Nadu Acquisition of Land for Harijan Welfare Schemes Act, 1978 (Tamil Nadu Act 31 of 1978); And Whereas, it has become necessary to acquire immediate possession of the land/ lands in the Schedule below; Now, Therefore, in exercise of the powers conferred by sub-section (1) of section 4 of the said Act, the Collector of district hereby directs that the land/ lands be acquired under the provision of the said section. The Schedule District: Taluk Village

1. Description of land, wet or dry, inam or poramboke with -Survey/ Paimash number.

2. Name of the owner/ occupier.

3. Boundaries of the land required to be taken up-

North:East:South:West:

4. Extent under acquisition (approximate).

5. Whether arable or waste.

6. Details of structures, if any.

7. Number and description of trees, if any.

Form III[See Rule 5(i)]Notice is hereby given that the Collector of..... district by his notification No dated the published at pages of Part Section of the District Gazette, dated the has decided to acquire the land/ lands mentioned in the Schedule below under sub-section (1) of section 4 of the Tamil Nadu Acquisition of Land for Harijan Welfare Schemes Act, 1978 (Tamil Nadu Act 31 of 1978);You are hereby directed to appear in person or by authorised agent at on.....before the.....and to state/ put in a statement in writing signed by you or your authorised agent,"showing the nature of your interest in the land/ lands the amount payable for such interest in the land/ lands with particulars thereof and your objections, if any, to the measurement made and to put in a statement containing so far as may be practicable the name of every other person possessing any interest in the land or any part of it as joint owner, mortgagee, occupant or otherwise, the nature of such interest and the rents and profits, if any, received or receivable on account of it for three years next proceeding at date of statement.The ScheduleDistrict:.....TalukVillage

Survey No. Extent Name of registered holder, present owner and persons interested

(1) (2) (3)

Form IV[See Rule 5(ii)]Made by.....Order.....dated.....Whereas, an extent of land measuring and situated in the village of..... Taluk in the Registration/ Sub-Registration District of in the District of and registered in the name of, or occupied by, the persons specified below has been decided by the Collector.....District.....published at pages.....of PartSection of the District Gazette, dated.....and is needed for under sub-section (1) of section 4 of the Tamil Nadu Acquisition of Land for Harijan Welfare Schemes Act, 1978 (Tamil Nadu Act 31 of 1978), the undersigned, after full inquiry into the case and on due consideration of the various circumstances connected with the acquisition as hereinbefore set forth, makes the following order under his hand:-

I. The true area of the land.

II. (a) Market value of the land. Rs.

(b) Solatium. Rs.

Total Rs.

Survey No.	Extent	Name of the registered holder or occupier	Boundaries of the land
North	East	South	West
(1)	(2)	(3)	(4)

III. The person or persons interested in the land to whom the amount is due-

SI. No. Name Rs. P.

(1) (2) (3)

The undersigned certifies that there is before him a plotted plan of the land or lands acquired. Form V[See Rule 7]

SI. No. Award Survey No. Extent Village Taluk

No. Date

SI. No.	Name of persons to whom the award is passed	The amount of award for each person
(1)	(2)	(3)

Installment Name of persons Amount Interest Due Date

(1) (2) (3) (4) (5)

First 1.

2.

3.

Second 1.

2.

3.

Third 1.

2.

3.

Fourth 1.

2.

3.

Fifth 1.

2.

3.