

The Land Acquisition (Orissa Amendment and Validation) Act, 1959

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Act 19 of 1959

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The Land Acquisition (Orissa Amendment and Validation) Act, 1959 Orissa Act No. 19 of 1959 Published vide Orissa Gazette Extraordinary/4.11.1959. For the Bill see Orissa Gazette Extraordinary/25.8.1959. An Act to amend the Land Acquisition Act, 1894 and to validate the acquisition of lands made for certain purposes in the State of Orissa. Whereas, doubts having arisen in respect of certain acquisitions made for industrial development in the State of Orissa, it is expedient to amend the Land Acquisition Act, 1894 (Act 1 of 1894) and to validate such acquisitions in manner hereinafter appearing; It is hereby enacted by the Legislature of the State of Orissa in the Tenth Year of the Republic of India as follows :

1. Short title and commencement.

(1) This Act may be called the Land Acquisition (Orissa Amendment and Validation) Act, 1959. (2) It shall come into force at once.

2. Definitions.

- In this Act unless the context otherwise requires- (1) "Central Act" means the Land Acquisition Act, 1894 (Act 1 of 1894); (2) "Orissa Act" means the Orissa Development of Industries, Irrigation, Agriculture, Capital Construction and Re-settlement of Displaced Persons (Land Acquisition) Act, 1948 (Orissa Act 18 of 1948); (3) "Schedule" means the Schedule appended to this Act; (4) the words "Collector" and "Company" shall have the same meanings as have been respectively assigned to them in the Central Act.

3. Amendment of Section 17.

- In Section 17 of the Central Act -(i)in Sub-section (1) the words "waste or arable" shall be omitted;(ii)in Sub-section (4) for the words "in the case of any land to which" the words "in cases where" shall be substituted.

4. Validation of certain acquisitions made under Orissa Act 18 of 1948.

- Notwithstanding anything in any law for the time being in any judgement, decree or order of any Court, in respect of proceedings for the acquisition of land and the Orissa Act as specified in the Schedule-(a)any notification published under Sub-section (1) of Section 3 of the Orissa Act, read with the corresponding notification under Clause (c) of Section 2 thereof, shall be deemed to be, a notification issued by the State Government to the effect that land in the locality specified in the notification was needed for a public purpose and for the company specified therein within the meaning of Section 4 of the Central Act and shall have the same force and effect as fully and effectively as if the particular land had been declared under Section 6 of the Central Act to have been needed for the said company;(b)any steps taken, things done, notices issued and procedure followed under Sub-sections (2) and (3) of Section 3 of the Orissa Act shall be deemed to have been so taken, done, issued and followed in pursuance of Sections 5, 7 and 8 of the Central Act;(c)where a notice of acquisition has been served or published under Section 4 of the Orissa Act such lands shall be deemed to have been validly vested in the State Government and its possession has been taken thereof such possession shall be deemed to have been validly taken, in the same manner, to the same extent and with the same force and effect as if such vesting and the taking of such possession had been in pursuance of Section 17 of the Central Act as amended by this Act :Provided that the Collector shall, within thirty days of the date of commencement of this Act, call upon the owner, occupier and persons interested in the lands for purposes specified in Subsection (3) of Section 9 and Section 10 of the Central Act and so far as may be, in the manner laid down therein;(d)the provisions of Sections 39 and 40 of the Central Act shall be deemed to have been fully complied with ; provided that the agreements with the companies, for which the acquisitions, had been made shall, within a period of six months from the date of commencement of this Act be executed and published in accordance with the provisions of Section 42 of the Central Act ; and(e)subject to the provisions contained in the foregoing clauses, in respect of all matters relating to such acquisitions as are validated thereunder, the provisions of the Central Act shall, so far as may be, apply and proceedings pending before the competent authority or the Arbitrator appointed under the Orissa Act shall respectively stand transferred to and be disposed of by the Collector or the Court, as the case may be, defined in the Central Act :Provided that where possession of the lands has not been taken in pursuance of Section 5 of the Orissa Act steps shall be taken in accordance with the procedure laid down in Section 9 of the Central Act and the provisions of Section 17 of the said Act shall thereafter apply.

Schedule

- 1. Acquisition of lands for Kalinga Industries Ltd., for the establishment of a Low Shaft Furnace at Barbil in the district of Keonjhar.**
- 2. Acquisition of lands for the Indian Aluminium Co. Ltd., for the establishment of Aluminium Industry in village Jamad in the district of Sambalpur.**
- 3. Acquisition of lands for Titagarh Paper Mills Ltd., for the establishment of a Paper Mill at Chowdwar in the district of Cuttack.**
- 4. Acquisition of lands for Messrs Orissa Cement Ltd., for the construction of staff quarters at Rajgangpur in the district of Sundargarh.**
- 5. Acquisition of lands for Swastika Rice Mill at Byree in the district of Cuttack.**
- 6. Acquisition of lands for Tata Iron and Steel Co. Ltd., for the establishment of a Ferro-Manganese Plant at Joda and Banaikala in the district of Keonjhar.**
- 7. Acquisition of land for the construction of assisted siding for the development of Orient Colliery at Brajarajnagar in the district of Sambalpur.**