

Assam Land (Requisition and Acquisition) Rules, 1964

ASSAM

India

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Rule

ASSAM-LAND-REQUISITION-AND-ACQUISITION-RULES-1964 of 1964

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Assam Land (Requisition and Acquisition) Rules, 1964Last Updated 13th February, 2020

1. Short title and commencement.

(1)These Rules may be called the Assam Land (Requisition and Acquisition) Rules, 1964.(2)They shall come into force at once.

2. Definition.

- In these Rules, unless there is anything repugnant in subject or context:(a)"The Act" means the Assam Land (Requisition and Acquisition Act, 1964.(b)"Form" means the form appended to these rules,(c)"Section" means a section of the Act.(d)All words and expressions used in these rules and not defined herein be defined in the Act shall respectively have the same meaning as assigned to them in the Act.

3. Manner of submission of representation by interested person when land is necessary to be requisitioned for landless or displaced persons.

- Where it is necessary to requisition any land for landless or displaced persons, the person interested in the land shall be informed of the intention of requisitioning his land and such person may make written representation, if any, against it within 15 days from the date of receipt of such information. The information shall be in the form of a notice in form "A".Such representation when received shall be disposed of by the State Government or the person authorised to requisition the

land as the case may be, after due consideration. If necessary by local inquiry, by an officer, not below the rank of a Sub-Deputy Collector.

4.

An order of requisition under Section 3 (1) shall be in form "B" as far as may be, with such modification, if any, as may be necessary.

5.

An order under Section 4(1) of the Act shall be in Form "C" where the surrender or delivery of possession is to be made to any person other than the Collector, the letter shall issue on order authorising the person before an order for surrender or delivery of possession is issued -

6.

Breaking open of locks on requisitioned property. Where the possession of the requisitioned property is not handed over in compliance with an order issued under subsection (1) of Section 4 of the Act, and or the premises are found locked, the collector or any other person authorised by it in writing in this behalf may break open the lock in the presence of the witnesses and take possession of the property :Provided that : (i) before any such action is taken, the competent authority shall satisfy itself that the order under sub-section (1) of Section 4 has been duly served on the party concerned and that the party is evading compliance with the order; (ii) the powers under this rule shall not be exercised at any time after sun set or before sunrise; and (iii) where possession is taken in pursuance of the powers conferred by the rule, an inventory of the articles found in the premises shall be made in the presence of two witnesses and such articles should be stored in safe custody -

7.

A notice under Section 6(1) shall be in form "D"

8.

A notice under Section 8 (3) shall be in form "E"

9.

An order under Section 9 (1) shall in form "F" section and a notice under Section 9(2) shall be in form "G" The publication of the order under Section 9 (1) and of the notice under Section 9 (2) as required by the proviso to the said sub-section shall be made by affixing a copy each of the order and notice in form "F" and "G" respectively in some conspicuous part of the land or premises acquired.

10. The publication of an order under Section 9(1) of the Act as required by Section 10(3) shall be inform "F"

11. Manner of Service of order.

- Every order passed under sub-section (1) of Section 3, sub-section (1) of Section 4 and sub-section (1) of Section 9 and every notice giving an opportunity to make representation under the second proviso to sub-section (1) of Section 3 and every notice under sub-section (1) of Section 5 and which is under sub-section (2) of Section 9 shall be served on the owner of land or the tenant or the occupier, as the case may be, in the following manner : (a) in the case of any order affecting an individual, corporation or firm in the manner provided for the service of summons in Rule 2 of Order XXIX or Rule 3 of Order XXX, as the case may be in the First Schedule of the Code of Civil Procedure 1908 (V of 1908), (b) in the case of any order affecting an individual person (not being a corporation or a firm) - (i) by delivering or tendering to that person ; or (ii) if this cannot be so delivered tendered, by delivering or tendering these to any officer of such person or any adult member of the family of such person, or by affixing a copy thereof on the outer door or in some conspicuous part of the premises in which that person is known to have last resided or carried on business or personally worked for gain; or failing serving by these manners ; (iii) by registered post; - Provided that when the person to be so served is not readily traceable and the order and the notice cannot be served without undue delay or when the ownership of the land is in dispute, the order and the notice shall be published in the Official Gazette. (2) A return by the serving officer stating the date of affixing the copies under item (ii) of clause (b) to sub-rule (1) and attested by two persons present at the time of affixing shall be considered sufficient proof of service.

12. Allotment of requisitioned land.

- Soon after requisition of a particular area, it shall be properly demarcated and allotted to respective individuals or groups of individuals -

13. Manner of payment of compensation.

- The individuals or groups who are allotted land shall be jointly and severally liable to pay local rate and also compensation as assessed by Government (i) for use and occupation of the land during the period of requisition, (ii) for any damage wilfully caused to such land during the period under their occupation, and (iii) for acquisition of such land if acquired at any time later.

14. Period for payment of compensation.

- The compensation for use and occupation of land shall be payable annually during the period of requisition on or before the fifteenth day of February following the year of requisition and any arrear shall be realisable as a rear of land revenue subject to Rule 15 ; Provided the compensation for any requisitioned building shall be payable monthly.

15.

Cancellation of allotment on failure to pay compensation. In case of default of payment of compensation or any part thereof as mentioned in Rule 13 the allotment shall be liable to cancellation and the allottees to summary eviction.

16. Advance payment of compensation.

- The individuals or group may be allowed to make part payment of compensation for acquisition in advance if they so desire before or after the actual allotment and such payment shall be credited to treasury under the head "IX-Land Revenues-Miscellaneous-Miscellaneous Receipts."

17. Disposal of trees and standing crops.

- Trees on requisitioned land when required to be felled and crops thereof shall be sold in public auction after due notice in the locality concerned. The sale proceeds of the auction sale on trees shall be payable to the owner after deduction of the royalty, if any, and also subject to rule 18: Provided that when the owner of the land wishes to take away the trees himself, he shall be allowed to do so within two months from the date of taking over the possession of the land on written assurance that the owner shall not claim any compensation for trees. In that case the Forest Department, shall realise the royalty direct from the owner*

18. Government demand to be deducted from the compensation payable to the owner.

- From the amount realised under clause (i) of Rules 13 and 17 the arrears of land revenue and local rate, if any, shall be deducted and balance paid to the owner.

19. Apportionment of compensation in case of dispute.

- If any dispute arises as to the apportionment of the amount payable to the owner under Rule 18, the Deputy Commissioner or any officer authorised under Section 3 shall keep the amount in 'revenue deposit' until the disputes are finally disposed of by him, and on such disposal shall pay to the person or persons concerned the amount due to him or them.

20. Manner of settlement on acquisition of requisitioned land.

- After acquisition of any requisitioned land under Section 6, settlement of the allotted land shall be offered to those allottees who make full payment of their share of compensation under Rule 13 (i) and outstanding compensation if any, under Rule 13 (i) and (ii) and if accepted, annual leases in the first instance shall be issued to them and thenceforth the land shall be assessable to annual land revenue and local rate at the rates payable for similar class or classes of land in the neighbourhood.

21. Annual lease of the land.

- Subject to any general prohibition or restriction laid down by Government from time to time the annual leases mentioned in Rule 20 above shall be convertible to periodic when such land becomes fit to be made periodic under the Revenue law in force and also when the annual lease-holders make full payment of their share of compensation under Rule 13.

22. Summary eviction.

- If any allottee of any requisitioned land keeps the land fallow for one year from the date of allotment, he shall be liable to summary eviction at the end of the year.

23. Execution of bond for settlement of requisitioned land.

- The individuals or groups who are allotted land shall execute a bond in the terms of the conditions mentioned in the foregoing rules within thirty days from the date of the allotment. It shall be specifically mentioned in the bond that all money payable to Government shall be realisable as arrears of land revenue. Failure to execute such a bond within the stipulated time shall make the allotments liable to cancellation and the allottees to summary eviction.

24. Repairs to requisitioned premises.

(1) A notice under Section 5 shall be in Form 'H'. The time for execution of repairs to be specified in the notice shall be such as may be specified in the notice. (2) In case where the State Government or the person authorised by the State Government execute the repairs, the cost shall be realised from the owner in monthly instalments and ordinarily at a rate not exceeding 50 percent of the monthly requisition compensation payable to him and the number of instalments fixed accordingly provided that where the cost of repairs exceed three times the monthly requisition compensation the instalment may be equal to 75 percent the requisition compensation monthly payable. Form 'A' Notice and Order [(See rule 3 and second proviso to Section 3(1))] Whereas the land described in the schedule hereto annexed is necessary to be requisitioned and it is proposed that the said land should be requisitioned for providing land to landless or displaced persons. Now, therefore, in exercise of the powers conferred by second proviso to Section 3(1) of the said Act, I, hereby call upon you being the person interested in the said land to make representation in writing within fifteen days of the date of service of this notice why the said land should not be requisitioned.

Schedule

X

Person authorised by the State Government
u/s. 3(1),

Secretary to the Government of Assam.
Revenue Department,

ToShri.....*Strike off the irrelevant words.Form
'B'Order[(See rules 4 and Section 3 (1)]In exercise of the powers conferred on me under Section 3 (i)
of the Assam Land (Requisition and Acquisition) Act, 1964 (Act XV of 1964) under Notification
No.....date..... do hereby requisition under Section 3 (1) of
the Assam Land (Requisition and Acquisition) Act, 1964, the land described in the Schedule below
with effect from the date of this order, for the purpose of +

Schedule 2

District_____Tviauza

No._____Patta No.

_____Area

_____Name and

address of the owner of the land

_____Name of the tenant, if

any, in occupation of the land and his address

_____Boundaries of the

landNorth-South-East -West-

X

Secretary to the Government of Assam.

RevenueDepartment,

Person authorised by the State Government

u/s. 3(1),

X Strike off the irrelevant words,* Here enter name and designation.+ Here enter purpose in
details.Form C[See Rule 5 and Section 4(1)]Whereas the land described below has been
requisitioned under Section 3(1) of the Assam Land (Requisition and Acquisition) Act, 1964 (Act XV
of 1964) you, being the owner/tenant/'person in occupation of the said land, are directed to
surrender or deliver possession of the requisitioned land to the Collector of
...../or.....being the person authorised in this behalf by the Collector within days from
the date of service of this order.Description of the

LandDistrict_____Mauza/Pargana_____

No _____Patta

No._____Area

_____Name and address of the owner of the land

_____Name and address of the tenant, if any

_____Name and

address of the person in occupation, if any

Secy, to the Govt, of Assam, Revenue Department.

*

Person authorised u/s. 3(1) & 4(1).

*Strike off the irrelevant portion.Form DNoticeDated.....Under Section 6(1) of the Assam
Land (Requisition and Acquisition) Act, 1964.No.....It is hereby notified that in pursuance
of Section 6(1) of the Assam Land (Requisition and Acquisition) Act, 1964- (Assam Act XV of 1964),

the Governor of Assam is pleased to decide the acquisition with effect from the date of publication of this notice of the land requisitioned under Section 3(1) of said Act as per schedule below measuring an area of..... bigha, kathalessas/chittacks in mauza/pargana. village.....in the district of..... for.....

Schedule 3

District _____ Mauza/Pargana _____

_____ Village _____

_____ Dag No. _____

_____ Patta No. _____

_____ Boundaries Secy. to the Govt, of Assam, Rev.

Deptt. Form "E" Notice (See Rule 8 and sub-section 3 of Section 8) Whereas the property specified "ill" the schedule below 'was requisitioned by the order of the.....

No..... dated with effect..... from..... And whereas, the State Government have decided that the said property shall Be released from requisition ; And whereas, the person to whom the possession of the requisitioned land is to be delivered Cannot Be found or is not readily available or has no agent or other person empowered to accept delivery on his behalf; Now, therefore, in exercise of the powers conferred by sub-section (3)..... of Section 8 of the said Act, the Governor of Assam do hereby declare that the said property is released from requisition.

Schedule 4

District..... Mauza/Pargana..... Village..... Dag No..... Patta No Secretary to the Govt-of Assam, Revenue; Department. To Shri

..... Form "F" (Form of order under sub-section I of Section 9) Whereas in the opinion of the Governor of Assam/the Collector of..... it is expedient or necessary to acquire land speedily for works or other developmental measures or in connection with flood control and anti-erosion measures, embankment and drainage, now, therefore in pursuance of Section 9 of the Assam Land (Requisition and Acquisition) Act, 1964, the Governor of Assam/the Collector of...., is pleased to order that the land as per schedule below measuring an area of bighas..... kathas lessas/chittacks..... in the village Mauza..... in Subdivision..... of..... District shall be acquired.

of the land

1. Area..... Pattadars name Patta No..... Dag No

2. Description of the boundaries -

North-South-East-West-

3. Name of village and mauza in which situate-

ToName and address of the owner.....Name and address of the tenant, if any.....Name and address of the occupant, if any.....

Secretary to the Govt, of Assam, Revenue Deptt.

Collector

Dated.....

*Strike of the irrelevant words. Form "G"(Notice under sub-section 2 of Section 9)Whereas an order has been passed to acquire the land described below in subdivision of for works or other development measures in connection with flood control and anti-erosion measures, embankment and drainage, under sub-section I of Section 9 of the Assam Land (Requisition and Acquisition) Act, 1964. Now, therefore, I hereby give notice that, claims to compensation if any, for all interest in the land shall be received by the collector within 10 days of the service or publication as the case may be, of this notice. Notice is further given that possession of the said land will be taken over by the Collector or any officer deputed by him on his behalf under sub-section 2 of Section 10 of the Act onDescription of the landsDistrict

_____Mauza/Pargana
_____Village
_____Dag No.
_____Patta No.
_____Area

1. Description of the boundaries-

North-South-East-West-

2. Area _____

ToName and address of the owner of the land_____Name and address of the tenant, if any _____Name and address of the person in occupation of the land if any _____Collector

_____Dated _____Form "H"(See Rule 24 and Section 5)NoticeWhereas the premises described belowhave been requisitioned under Section 3(1) of the Assam Land (Requisition and and Acquisition) Act, 1964 or are deemed to have been requisitioned under Section 21 of the said Act. And, whereas, the said premises are in need of repairs specified in the Schedule hereto appended :Now, therefore, in exercise of the powers conferred by Section 5 of the said Act, I.....(enter name" (enter designation, being the person authorised under the said Act, do here by order..... the owner of the said premises to execute the repairs specified in the Schedule, being repairs which are necessary and are usually made by land-lords in the locality in which the premises are situated within a period of..... from the date of service of the notice. If the said owner fails to execute

repairs specified in this order within the aforesaid period, I shall cause the same to be executed at his expense and the cost thereof shall, without prejudice to any other mode or recovery be deducted from the compensation payable to him in accordance with the rules framed in this behalf-Description of the premises.....

Schedule 6

Secretary to the Govt, of Assam, Revenue Deptt.

.....

Person authorised u/s. 5(1).

To.....Strike off the underlined portion if order is issued by the State Government.* Strike off the irrelevant words.