

The Tamil Nadu Acquisition of Land for Industrial Purposes Rules, 2001

TAMILNADU

India

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Rule

THE-TAMIL-NADU-ACQUISITION-OF-LAND-FOR-INDUSTRIAL-PURPOSES OF 2001

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The Tamil Nadu Acquisition of Land for Industrial Purposes Rules, 2001 Published vide Notification No. G.O. Ms. No. 366, Revenue (LAI), dated the 1st September 2001 - S.R.O. A/ 62 (a)/ 2001 In exercise of the powers conferred by sub-section (1) of section 25 of the Tamil Nadu Acquisition of Land for Industrial Purposes Act 1997 (Tamil Nadu Act 10 of 1999), 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 Industrial Purposes Rules, 2001.

2. Definitions.

- In this rules, unless the context otherwise requires,-(i)(a)"Act" means the Tamil Nadu Acquisition of land for Industrial Purposes Act, 1997 (Tamil Nadu Act 10 of 1999).(b)"Form" means a form appended to these rules;(c)"section" means a section of the Act;(ii)The words or expressions used, but not defined in these rules shall have the same meaning, respectively, assigned in the Act.

3. Issue of show cause notice by the Government.

- The show cause notice specified in sub-section (2) of section 3 shall be in Form A.

4. Publication of public notice.

- The Government shall cause a public notice of the substance of the show cause notice issued under sub-section (2) of section 3 in Form B. The notice shall be published at convenient places in the locality and copies thereof affixed in the main offices, of the Collector and the Tahsildar.

5. Statement of objections.

- The statement of objections should mention how the objector is interested in the land.

6. Hearing of objections by the Government.

(a) If statement of objections filed by a person who has no interest in the Land, it shall be summarily rejected. (b) If any objections are received from a person interested in the land, within the time prescribed in rule 3 or 4, the Government shall fix a date for hearing the objections and give notice thereof to the objector or as well as to the Government or company requiring the land. Copies of the objections shall also be forwarded to such department or company and the Department or company may file on or before the date fixed by the Government, a statement by way of answer to the objections and may also depute a representative to attend the enquiry. (c) On the date fixed for enquiry or any other date to which the enquiry may be adjourned by the Government, the Government shall hear the objector, or a person authorized by him in this behalf, or his pleader and the representation if any, of the department or company and record any evidence that may be produced by both in support of the objections and in support of the need for acquiring the land.

7. Publication of notice.

- On consideration of the objections and reports thereon, if the Government decide that the land should be acquired, the Government shall publish a notice in the Tamil Nadu Government Gazette as required under sub-section (1) of section 3 in Form C.

8. Withdrawal of land from acquisition.

- The notice for withdrawal of land from acquisition under the first provision to sub-section (1) of section 4, the possession of which was not actually taken by, or on behalf of, the Government shall be in Form D.

9. Surrender or deliver possession of land.

- The order of the Government to surrender or deliver possession of the land as required under sub-section (2) of section 4 shall be on the line specified in Form E.

10. Determination of amount by agreement.

- The agreement to be executed by the Government and the person to whom the amount has to be paid under subsection (2) of section 7 shall be in Form F.

11. Proceedings of the Collector determining the amount.

- The proceedings of the Collector determining the amount under section 7 shall be on the lines specified in Form G. The Collector need not fill up this Form in his own hand, but he shall sign it. A copy of the proceedings shall be furnished free of charge to the person interested.

12. [Publication of notice under section 23 (2) of the Act. [Inserted by Notification No. SRO A-50 (a)/ 2002, dated the 3rd October 2002.]

- The notice under sub-section (2) of section 23 of the Act shall be published in Form H.]Form A[See Rule 3]Show Cause Notice under Sub-Section (2) of Section 3 of the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997(Tamil Nadu Act 10 of 1999)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 an industrial purpose to wit for Notice to that effect is hereby given to all whom it may concern in accordance with the provisions of sub-section (2) of section 3 of the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997 to show cause within thirty days from the date of giving public notice why the land/ lands should not be acquired.

Survey No.	Description	Extent required/ acquired	Owner/ person interested
(1)	(2)	(3)	(4)

Form B[See Rule 4]Public Notice under Sub-Section (2) of Section 3 of the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997(Tamil Nadu Act 10 of 1999)Under sub-section (2) of section 3 of the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997 (Tamil Nadu Act 10 of 1999), notice is hereby given that the land/ lands specified in the Schedule and situated in the village of.....in the taluk of.....in the district of..... is/ are required for industrial purposes, to wit, for..... All persons interested in the land/ lands is/ are, accordingly, required to lodge before the Department within thirty days from the date of publication of this notice a statement in writing of their objections, if any, to the acquisition of the said lands.Any objection/ statement which is received after the date or which does not clearly explain the nature of the sender's interest in the land is liable to be summarily rejected.Objections received within the due date, if any, will be enquired into onat.....when objectors will be at liberty to appear in person or by a person or

persons authorised by him or them in this behalf by a pleader and to adduce any oral or documentary evidence in support of their objections. The Schedule

Survey No.	Description	Extent required/ acquired	Owner/ person interested
(1)	(2)	(3)	(4)

Form C(See Rule 7)Form of Notice under Sub-Section (i) of Section 3 of the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997(Tamil Nadu Act 10 of 1999)The Government of Tamil Nadu having been satisfied that the land/ lands specified in the Schedule below to be acquired for industrial purpose to wit to.....and it having already been decided that the amount of compensation to be awarded for the land/ lands is to be paid out of the lands controlled or managed by.....The following notice is issued under sub-section (1) of section 3 of the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997.NoticeUnder sub-section (1) of section 3 of the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997 (Tamil Nadu Act 10 of 1999), the Governor of Tamil Nadu hereby acquires the land/ lands specified in the Schedule below measuring.....hectare/ acres to the same, a little more or less needed for industrial purpose wit, for.....The plan of the land/ lands is/ are kept in the office of the.....may be inspected on any day during office hours. The Schedule

Survey No.	Description	Extent required/ acquired	Owner/ person interested
(1)	(2)	(3)	(4)

Form D(See Rule 8)Notice under Sub-Section (1) of Section 4 of the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997(Tamil Nadu Act 10 of 1999)Under sub-section (1) of section 4 of the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997 (Tamil Nadu Act 10 of 1999), Governor of Tamil Nadu hereby withdraws from acquisition the land / lands specified in the Schedule below in respect of which notice under sub-section (1) of section 3 was published by the Department at page Part Section of the Tamil Nadu Government Gazette, dated the..... the actual possession of which was not taken by, or on behalf of, the Government. The Schedule

Survey No.	Description	Extent required/ acquired	Owner/ person interested
(1)	(2)	(3)	(4)

Form E(See Rule 9)Government of Tamil Nadu, DepartmentUnder sub-section (2) of section 4 of the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997 (Tamil Nadu Act 10 of 1999) Governor of Tamil Nadu hereby directs that the person who is in possession of, to surrender or deliver possession thereof to the Collector within thirty days of the service of this order, the followings land/ lands specified in the Schedule below in respect of which notice under sub-section (1) of section 3 was published by the Department at page of Part Section of the Tamil Nadu Government Gazette, dated theThe Schedule

Survey No.	Description	Extent required/ acquired	Owner/ person interested
(1)	(2)	(3)	(4)

Form F[See Rule 10]Agreement to be Executed when Land is Acquired for Industrial Purposes under Sub-Section (2) of Section 7 of the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997(Tamil Nadu Act 10 of 1999)An agreement made this day of 2001 of between the Governor of Tamil Nadu acting through (hereinafter called the "Government") on the one part and (herein after called the owner/ person interested which expression shall, unless repugnant to the context or meaning thereof include his/ their successor and assignees) on the other part. Whereas, the right, title, and interest of the owner/ person interested in the following land/ lands (hereinafter called the land/ lands) is/ are as specified below:(a)owner being the absolute owner of the property or having an interest therein, capable of leading to ownership, ultimately hereinafter mentioned and hereby conveyed in the following shares:-(1)..... Son of share ..(2)..... Son of share ..(3)..... Son of share ..(b)where the land/ lands are held by the person interested under the owners named hereinafter with respective terms and nature of interest:(1)..... Son of Definite term and nature of interest(2)..... Son of Definite term and nature of interest(3)..... Son of Definite term and nature of interestAnd whereas, the said lands/ lands specified in the Schedule below have been acquired under the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997 (Tamil Nadu Act 10 of 1999) in respect of which notice under sub-section (1) of section 3 was published by the Department in Part Section of the Tamil Nadu Government Gazette, dated the;And, whereas, the owner/ person interested agrees to the deduction of the total amount deposited in case any or all of the thing(s) attached to the earth or permanently fastened to anything attached to the earth is withdrawn with the prior approval of the Government;And, whereas, the owner/ person interested further agrees to the deduction of the amount to be mentioned in case they are allowed to harvest the standing drop thereon, by the Government;Now, therefore, the owner/ person interested do hereby agrees with the Government as follows:(1)The Government shall be competent to pay the amount determined as per the terms of this agreement with any further enquiry which is required to be held under the provisions of the Act.(2)If the Government deem it necessary to take immediate possession of the land under acquisition even that there is a standing crop on it, the Government will be entitled to do so provided that compensation for the standing crop is paid.(3)The owner/ person interested shall not claim any amount in addition to the amount agreed upon aforesaid as compensation and accept it without any protest.(4)If it hereafter or after the payment of compensation transpires that the owner/ person interested is not entitled to the entire amount of compensation paid by the Government in terms of this agreement in respect of the said lands as mentioned at the end, the Government is required to pay any compensation to any other person, the owner/ person interested shall, on demand, refund to the Government the entire amount of money received by the owner/ person interested or such amount as may be determined by the Government as refundable by the owner/ person interested to the Government and shall also indemnify jointly and severally the Government against and claim or compensation or part thereof by any other person and against all proceedings and liabilities of any loss or damage suffered by any of the charges or expenses incurred by the Government by reason of the payment to the owner/ person interested and the owner/ person interested shall pay the interest at the rate of nine per cent on the amount refundable for the first year and at the rate of fifteen per cent for the subsequent years.(5)If the owner/ person interested fails to refund to the Government the amount mentioned in the preceding paragraph, the Government shall have the full right to recover the same as arrears of land revenue or undertake to proceed under any law in force for recovery of such amount.(6)Without

prejudice to any other remedies for the enforcement of any refund or indemnity, the Government may recover any sum determined to be due and payable by the owner/ person interested to the Government by way of refined or otherwise-under these presents as an arrear of land revenue.(7)If any Government dues/ shares/ premium from his land/ lands are payable by the owner/ person interested and the lands of any public financial institutions are outstanding against the land/ lands, the same shall be deducted from the said compensation amount that may be determined under these presents.(8)The Government shall bear the stamp duty payable in respect of this agreement.The ScheduleVillageTalukDistrictIn witness whereof, this.....acting for an, on behalf of the party of the one part and ..., the party of the other part have set their hands, hereunder.(Signature of the party of the one part)Full NameDesignationWitnesses :

1.

2.

3. *

(Signature of the party of the other part)Full NameAddressWitnesses:

1.

2.

3.

Form G[See Rule 11]AwardProceedings determining amount under the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997 (Tamil Nadu Act 10 of 1999)In extent of hectares of dry/ wet land in R.S. No. in Chitta No. as accounted tar in the accounts village The total extent is hectares.The extent under acquisition is hectares. Separate Sub-division No. has been awarded to the extent under acquisition. The pattadars of the above lands are enjoying the lands and remitting dry land revenue and other related taxes. The lands are owned by them by purchase/ heredity. No other person has made any claim of ownership on those lands. There are no trees, wells, structures, ancient antiques which will hurt the religious feeling of the public. There are no encumbrance's. Every person to whom the amount has been paid was given an opportunity to state his case as to the amount as required under sub-section (5) of the section 7 of the said Act. The land owners have given their consent to receive the amount determined without any objection. They have not objected to acquire the land. Therefore, the amount determined pertaining to the acquisition of lands are as and shall be paid to Thiru

Land value for Rs. :

No Dry/ Wet extent :

..... hectare at the rate or Rs. :

..... hectare.

..... buildings.

Total land value Rs. :

Total amount determined Rs. :

(Rupees only)

Name and address of the owner/ person interested. Land extent owned. Amount due.Rs. P.

Form H[See Rule 12]Notice under Sub-Section (2) of Section 23 of the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997(Tamil Nadu Act 10 of 1999)Under sub-section (2) of section 23 of the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997 (Tamil Nadu Act 10 of 1999), notice is hereby given that the land/ lands specified in the Schedule below', measuring hectare/ acres situated in the village of.....in the taluk of..... in the district of in respect of which proceedings have been started for the acquisition for a public purpose/ for company under the Land Acquisition Act, 1894 (Central Act I of 1894) and notification under sub-section (1) of section 4 of the Land Acquisition Act, 1894issued in G.O. Ms. No. of Department, dated and published at page of Part II section 2 of the Tamil Nadu Government Gazette, and no award has been made so for under section 11 of the Land and Acquisition Act, 1894 is/ are required for the company to wit for the industrial purpose of setting up of