

The Haryana Consolidation of Project Land (Special Provisions) Act, 2017

HARYANA

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Act 28 of 2017

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The Haryana Consolidation of Project Land (Special Provisions) Act, 2017(Haryana Act No. 28 of 2017)[Dated 17.11.2017]Haryana GovernmentLaw and Legislative DepartmentNo. Leg. 31/2017. - The following Act of the Legislature of the State of Haryana received the assent of the Governor of Haryana on the 10th November, 2017 and is hereby published for general information:-An Act to make special provisions to consolidate left out pockets of land for setting up a project and for the matters connected therewith or incidental thereto.Be it enacted by the Legislature of the State of Haryana in the Sixty-seventh Year of the Republic of India as follows:-

1. Short title.

- This Act may be called the Haryana Consolidation of Project Land (Special Provisions) Act, 2017.

2. Definitions.

- In this Act, unless the context otherwise requires,-(a)"agency" means an agency owned, controlled, managed or administered by the State Government and includes Boards and Corporations;(b)"competent authority" means the authority designated as such under sub-section (1) of section 4;(c)"left out pockets of private land" means the patches of land situated between the project land owned by a person and not by the State or its agency;(d)"person" shall include any company or association or body of individuals whether incorporated or not;(e)"project land" means the land carved out or identified for the project under section 5;(f)"State" means the State of Haryana;(g)"State Government" means the Government of the State of Haryana.

3. Consolidation of project land.

- Where the State Government or any agency owns or has purchased seventy percent or more of the total project land in a particular area falling in one or more revenue estates and the remaining is left out pockets of private land, the State Government may consolidate the total project land to ensure the viability of such project.

4. Appointment of competent authority.

(1)The State Government shall, by an order, designate the Sub-Divisional Officer (Civil) of the sub-division in which such consolidation of project land is required as competent authority. In case the project land is situated in the jurisdiction of two or more sub-divisions, the State Government may designate any of the Sub-Divisional Officer (Civil) of the concerned sub-division, as the competent authority.(2)The powers, functions and duties of the competent authority shall be such, as may be prescribed.

5. Notification of project land.

- The State Government shall, by notification, declare the total area of the project land alongwith the details of the land to be consolidated and the private land situated in the project land in such manner, as may be prescribed, clearly specifying the intention of the State Government to consolidate the project land.

6. Notice to private land owners.

- The competent authority shall issue notices in such manner, as may be prescribed to every person who owns whether in whole or in part, the left out pockets of private land to exercise the option under section 7 within a period of one month from the date of issue of the notice.

7. Compensation or land of equal value.

- Every person to whom a notice has been issued under section 6 shall exercise either of the following options in such manner, as may be prescribed for the purposes of consolidation, namely:-(i)seek compensation at the rate at which the adjoining land of the project was purchased by the State Government or agency or at the collector rate for such land plus twenty percent, whichever is higher; or(ii)seek an equal area of land of equal valuation in the same revenue estate and in case of non-availability of such land in the same revenue estate, in a neighbouring revenue estate:Provided that if a person fails to exercise the option as provided in clauses (i) or (ii) within the stipulated period, as provided in the notice, the competent authority shall be at liberty to decide and proceed further to consolidate the land in accordance with either of the above two options.

8. Preparation of draft consolidation scheme and inviting objections.

(1)The competent authority after due consideration of the options received under section 7, shall prepare a draft consolidation scheme of the total project land and shall notify the draft consolidation scheme for information of the general public to enable all the interested persons to file objections, if any, before the competent authority within a period of fifteen days of such public notice in such manner, as may be prescribed. The draft consolidation scheme shall specify the manner in which the compensation shall be disbursed or the land shall be exchanged.(2)The competent authority shall decide the objections, if any, received under sub-section (1) above, within a further period of one month from the last date of receipt of such objections under due intimation of decision on such objections to the concerned person.

9. Notification of final consolidation scheme.

- The competent authority shall, by notification, publish the final consolidation scheme for project land in such manner, as may be prescribed.

10. Right to take possession.

- After notification of the final scheme under section 9, the competent authority shall take over possession of the left out pockets of private land and shall disburse the compensation or hand over possession of the land in lieu thereof to the person to which he is entitled under the final consolidation scheme in such manner, as may be prescribed.

11. Preparation of record of rights.

- The competent authority shall also cause to prepare a new record of rights for giving effect to the final consolidation scheme.

12. Power of State Government to call for record.

- The State Government may, either suo-motu or an application made by a person, at any time, for the purpose of satisfying itself as to the legality or propriety of any order passed, scheme prepared or made by the competent authority, call for and examine the record of any case pending before or disposed of by the competent authority and may pass such order in reference thereto, as it thinks fit:Provided that no order or scheme shall be varied or reversed without giving the interested persons notice to appear and opportunity to be heard except in cases where the State Government is satisfied that the proceedings have been vitiated by unlawful consideration.

13. Persons acting under the Act to be public servants.

- Every officer and official acting under this Act shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code, 1860 (Central Act 45 of 1860).

14. Protection of action taken in good faith.

- No suit, prosecution or other legal proceedings shall lie against any public servant or the State Government in respect of any damage caused or likely to be caused by anything which is in good faith done or intended to be done in pursuance of this Act or the rules made thereunder.

15. Bar of jurisdiction of civil courts.

- No civil court shall have any jurisdiction to entertain or decide any question relating to matters falling under this Act.

16. Provisions of this Act to have overriding effect.

- Notwithstanding anything contrary contained in any other law for the time being in force in the State, the provisions of this Act shall prevail.

17. Power to make rules.

(1)The State Government may, by notification and after previous publication, make rules for carrying out the purposes of this Act.(2)In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:-(a)the powers, functions and duties of the competent authority under sub-section (2) of section 4;(b)the manner of publication of notification and details of land under section 5;(c)the manner of giving notice under section 6;(d)the manner of exercising option under section 7;(e)the manner of publication of draft scheme under sub-section (1) of section 8;(f)the manner of notification under section 9;(g)the procedure of taking possession under section 10;(h)any other matter which is to be or may be prescribed.