

The M.P. Resettlement of Displaced Landholders (Land Acquisition) Rules, 1961

MADHYA PRADESH

India

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Rule

THE-M-P-RESETTLEMENT-OF-DISPLACED-LANDHOLDERS-LAND-AC of 1961

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The M.P. Resettlement of Displaced Landholders (Land Acquisition) Rules, 1961Published vide Notification No. 4199-7-N-1, M.P Rajpatra, Part 4 (Ga), dated 15-9-1961, at page 796In exercise of the powers conferred by Section 16 of the Madhya Pradesh Resettlement of Displaced Landholders (Land Acquisition) Act, 1954 (XXII of 1954), and in supersession of all the previous notifications in this behalf issued previously, the State Government hereby make the following rules namely :-

1.

These rules may be called the Madhya Pradesh Resettlement of Displaced Landholders (Land Acquisition) Rules, 1961.

2.

In these rules, unless there is anything repugnant in the subject or context,-(a)"the Act" means the Madhya Pradesh Resettlement of Displaced Landholders (Land Acquisition) Act, 1954 (XXII of 1954);(b)"Section" means section of the Act.

3.

Before issuing a notification under Section 3, the State Government may direct the Collector to enquire and report as to the quantum of land required for the resettlement of displaced landholders and the approximate areas of land available for acquisition in each village.

4.

(1) On receipt of a requisition under Rule 3, the Collector shall issue a notice inviting applications from displaced landholders for land required by them for their resettlement. Such notice shall specify the date before which the applications shall be submitted to the Collector such date being not earlier than thirty days from the date of issue thereof. (2) Copies of the notice shall be posted in the Court house of the Collector and at conspicuous places in the locality of the displaced landholders. The notice shall also be published by beat of drum in such locality.

5.

Any displaced landholder requiring land for his resettlement shall submit his application to the Collector in the form appended to these rules, agreeing therein to accept the land that may be allotted to him and to the adjustment of the compensation payable to him on account of the acquisition of his land towards cost of acquisition of the land that may be allotted to him.

6.

No application received after the date specified for receiving applications under sub-rule (1) of Rule 4 shall be entertained.

7.

On the expiry of the period specified in the notice for submitting applications the Collector shall submit a report to the State Government giving an estimate of the total area of land which it would be necessary to acquire for the resettlement of displaced landholders and the area and other particulars of the lands proposed to be acquired.

8.

(1) In selecting land for the purpose of the Act, regard shall be had to the following principles, namely :- (a) No land shall be selected from a village which lies beyond a distance of 15 miles from the village where the lands of the displaced land-holders are situate; (b) land shall, as far as possible, be selected from within or close to the area which has been or is likely to be benefited by the scheme or project of public utility which has resulted in the displacement of landholders; (c) no land which is being used for the purpose of a school, orphanage or hospital or which is being used exclusively for the purpose of religious worship shall be selected; (d) land of every landholder to the extent of first fifty acres shall be exempt from acquisition and of the remainder only a moiety shall be liable for acquisition. But the area to be acquired may be increased or decreased by five acres or less as may be necessary to maintain the integrity of a khasra or survey number : Provided that where the total area of land liable for acquisition from a landholder is less than ten acres, no acquisition may be made from him; (e) an option shall be given to the landholder to state which of his lands shall be acquired from him; provided that the landholder shall not be entitled to demarcate portions of his lands

which have no contiguity with each other. Explanation :- For purposes of this rule, references to land shall be deemed to be references to dry land and in calculating the quantum of land to be acquired from any landholder one acre of irrigated land shall be reckoned equal to two acres of dry lands. (2) Where under clause (d) of sub-rule (1) exemption has been allowed to any landholder, no separate exemption shall be admissible to his wife and children.

9.

(1) The Collector shall constitute an allotment committee for advising him in the matter of allotment of land to displaced landholders. (2) The allotment committee shall consist of five members who shall be nominated by the Collector and of whom at least two shall be displaced landholders.

10.

(1) The allotment committee shall meet at such place and at such time as the Collector may direct. (2) The allotment committee shall examine the applications of the displaced landholders for allotment of land and make such other enquiry as may be deemed necessary and submit its recommendations in respect of each applicant.

11.

Without prejudice to the provision contained in the proviso to Section 11, no displaced landholder shall be allotted land exceeding one hundred acres.

12.

(1) The Collector shall after taking into consideration the recommendations of the allotment committee pass orders making allotments. (2) Every order passed under sub-rule (1) shall be final and binding on the displaced landholder concerned. (3) A copy of every order passed under sub-rule (1) shall be forwarded to the Tahisldar who shall take steps to have the land allotted to every displaced landholder mutated in his name in the village record and to put him in possession thereof.

13.

If for any person it is not possible to allot any land to a displaced landholder within three months from the date of its acquisition, it shall be returned to the landholder from whom it was acquired and in case the landholder does not agree to take it back, the Collector may dispose of it by public auction.

14.

The Madhya Pradesh Resettlement of Displaced Landholders (Land Acquisition) Rules, 1954 are hereby repealed ; Provided that any thing done or any action taken under the rules so repealed shall,

unless such thing or action is inconsistent with any of the provisions of these rules, he deemed to have been done or taken under the corresponding provisions of these rules.[Form of Application for Allotment of Land] [Inserted by Notification No. 871-VII-N-I, dated 23-2-1962.](See Rule 5)To,The Collector,.....Sir,I.....son of.....,of mouza.....Settlement No.....Patwari Circle No....Tahsil....., he to state that I am a displaced land holder, my land having been acquired for purpose of.....Scheme/Project.

2. The particulars of the land acquired and remaining with me are given below :-

Name of village	Khasra/Survey No. of land acquired and its area	Land revenue or rent of the land acquired	Khasra/Survey No. of land remaining and its area	Land Revenue or rent of the land remaining	Remarks
(1)	(2)	(3)	(4)	(5)	(6)

Total Total

3. I request that I may be allotted land equal in value of the land of which I have been dispossessed.

4. I agree to accept the land which may be allotted to me and also to the adjustment of the compensation payable to me on account of the acquisition of my land towards the costs of acquisition to the land that may be allotted to me.

Dated..... 19.....Signature of the Applicant.Verified that the contents of Paragraph 2 of the application are true to the personal knowledge of the undersigned.Declared at.....on.....19.....Signature of the Applicant.