

Telangana Slum Improvement (Acquisition of Land) Act, 1956

TELENGANA

India

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Act 33 of 1956

- Published on 7 November 1956
- Commenced on 7 November 1956
- [This is the version of this document from 7 November 1956.]
- [Note: The original publication document is not available and this content could not be verified.]

Telangana Slum Improvement (Acquisition of Land) Act, 1956(Act No. 33 of 1956)Last Updated 10th January, 2020The Andhra Pradesh Slum Improvement (Acquisition of Land) Act, 1956 received the assent of the President on the 7th November, 1956. The said Act, as subsequently amended and extended to whole of the State, and in force in the combined State as on 02.06.2014, has been adapted to the State of Telangana, under section 101 of the Andhra Pradesh Reorganisation Act, 2014 (Central Act 6 of 2014) vide. the Telangana Adaptation of Laws Order, 2016 issued in G.O.Ms.No.45, Law (F) Department, dated. 01.06.2016.

1. Short title, extent and commencement.

(1)This Act may be called [the Telangana Slum Improvement (Acquisition of Land) Act, 1956.] [Substituted by G.O.Ms.No.45, Law (F) Department, dated 01.06.2016.](2)It extends to the whole of the [State] [Substituted by G.O.Ms.No.45, Law (F) Department, dated 01.06.2016.] of Telangana.(3)It shall come into force [in any municipal corporation or municipality in the State] [Substituted by Act No.35 of 1981.] on such date as the Government may, by notification in the [Telangana] [Substituted by G.O.Ms.No.45, Law (F) Department, dated 01.06.2016.] Gazette appoint:Provided that, before issuing such notification the Government shall publish in the [Telangana] [Substituted by G.O.Ms.No.45, Law (F) Department, dated 01.06.2016.] Gazette, a notice of their intention to do so, fix a period which shall not be less than two months from the date of publication of the notice [for the municipal corporation or the municipality concerned] [Substituted by Act No.35 of 1981.] to show cause against the issue of the notification and consider its objections, if any.

2. Definitions.

- In this Act, unless the context otherwise requires-(a)'court' means a principal civil court of original

jurisdiction and includes any other civil court which may be specified by the Government, by notification in the [Telangana] [Substituted by G.O.Ms.No.45, Law (F) Department, dated 01.06.2016.] Gazette, as having jurisdiction in respect of the matters dealt with in this Act;(b)'Government' means the State Government;(c)'land' includes things attached to the earth or permanently fastened to anything attached to the earth;(d)'persons interested' in relation to any land, includes all persons claiming, or entitled to claim an interest in the compensation payable on account of the acquisition of that land under this Act, and a person shall be deemed to be interested in land, if he is interested in an easement affecting the land;(e)'prescribed' means prescribed by rules made under this Act,(f)'slum area' means any area declared to be a slum area under sub-section (1) of section 3,(g)all expressions not defined in this Act but defined in [the relevant law for the time being in force in the State relating to municipal corporations, or in the [Telangana] [Substituted by Act No.35 of 1981.] Municipalities Act, 1965, as the case may be] shall have the respective meanings assigned to them in the latter Act.

3. Power to acquire land.

(1)Where the Government are satisfied that any area is or may be a source of danger to the public health, safety or convenience of its neighbourhood by a reason of the area being low lying, insanitary, squalid or otherwise they may, by notification in the [Telangana] [Substituted by G.O.Ms.No.45, Law (F) Department, dated 01.06.2016.] Gazette declare such area to be a slum area.(2)Where the Government are satisfied that it is necessary to acquire any land in a slum area for the purpose of clearing or improving the area, they may acquire the land by publishing in the [Telangana] [Substituted by G.O.Ms.No.45, Law (F) Department, dated 01.06.2016.] Gazette a notice to the effect that they have decided to acquire it in pursuance of this section:Provided that, before publishing such notice the Government shall call upon the owner of, or any other person who, in the opinion of the Government is interested in, such land to show cause why it should not be acquired; and after considering the cause, if any, shown by any person interested in the land, the Government may pass such orders as they deem fit.Explanation. - Cause shown by the person interested in the land may be against the declaration of the area as a slum area under sub-section (1) as well as against the necessity to acquire the land for the purpose of clearing or improving the area.(3)Where a notice as aforesaid is published in the [Telangana] [Substituted by G.O.Ms.No.45, Law (F) Department, dated 01.06.2016.] Gazette, the land shall, on and from the beginning of the day on which the notice is so published vest absolutely in the Government free from all encumbrances.(4)The Government may, by order, authorise any authority or officer subordinate to them to exercise all or any of the powers conferred and perform all or any of the duties imposed on them by this section, subject to such conditions and restrictions as may be specified in the order.

4. Transfer of land in a slum area by Government.

(1)Where any land in a slum area has been acquired under this Act, the Government may either hold the land under their own control and management and undertake the clearance or improvement of the slum area or transfer the land to the [municipal corporation or municipal council] [Substituted by Act 35 of 1981.] concerned for the purpose of undertaking the clearance or improvement of the slum area; and in the latter case, the land shall vest in such municipal council.(2)Where land is

transferred under sub-section (1) to a [municipal corporation or municipal council] [Substituted by Act 35 of 1981.], it shall be liable to pay the cost of acquisition of the land or of such portion thereof as the Government may fix in each case.(3)Where the Government hold the land under their own control and management and undertake the clearance or improvement of the slum area, the cost of acquisition shall be borne by the persons to whom the land is allotted in parcels for residence and such cost shall be recoverable from them in such proportion and in such manner as may be prescribed.

5. Right to receive compensation.

- Every person whose right, title or interest in any land is acquired under this Act shall be entitled to receive and be paid compensation as hereinafter provided.

6. Basis of determination of compensation.

(1)The amount payable as compensation in respect of any land acquired under this Act shall be an amount equal to twelve times the net average annual income actually derived from such land during the period of five consecutive years immediately preceding the date of publication of the notice referred to in sub-section (2) of section 3.(2)The net average annual income referred to in sub-section (1) shall be calculated in the manner and in accordance with the principles set out in the Schedule to this Act.(3)The prescribed authority shall, after holding an inquiry in the manner prescribed, determine in accordance with the provisions of sub-section (2), the net average annual income actually derived from the land and publish a notice in the [Telangana] [Substituted by G.O.Ms.No.45, Law (F) Department, dated 01.06.2016.] Gazette specifying the amount so determined and calling upon every person interested to intimate to it before a date specified in the notice whether such person agrees to the amount determined and if not what amount he claims to be the net average annual income actually derived from the land.(4)(a)Any person who does not agree to the amount of the net average annual income determined by the prescribed authority under sub-section (3) and claims a sum in excess of that amount, may prefer an appeal to the court within thirty days from the date specified in the notice referred to in that sub-section.(b)In a case where the amount claimed by the person concerned exceeds twenty-five thousand rupees, a second appeal on any question of law shall lie against any decision of the court under clause (a) to the High Court within thirty days from the date of such decision.

7. Apportionment of compensation.

(1)Where there are several persons interested, the prescribed authority shall determine the persons who, in its opinion, are entitled to the compensation and the amount payable to each of them.(2)If any dispute arises as to the apportionment of the compensation or any part thereof, or as to the persons to whom the same or any part thereof is payable, the prescribed authority may refer such dispute to the decision of the court; and the court shall, in deciding any such dispute, follow, so far as may be, the provisions of Part III of the Land Acquisition Act, 1894 (Central Act I of 1894).

8. Payment of compensation or deposit of same in court.

(1)The prescribed authority shall tender payment of the compensation to the persons entitled thereto and shall pay it to them.(2)If they refuse to receive it, or if there be no person competent to alienate the land, or if there be any dispute as to the right to receive compensation or as to the apportionment of it, the prescribed authority shall deposit the amount of the compensation in the court, and the court shall deal with the amount so deposited in the manner laid down in sections 32 and 33 of the Land Acquisition Act, 1894.

9. Payment of interest.

- When the amount of such compensation is not paid or deposited on or before taking possession of the land the prescribed authority shall pay the amount with interest thereon at the rate of four per centum per annum from the time of so taking possession until it shall have been so paid or deposited.

10. Powers of prescribed authority.

(1)The prescribed authority may, with a view to carrying out the purposes of section 5 or section 6 or section 7, by order, require any person to furnish such information in his possession relating to any land which is acquired under this Act as may be specified in such order.(2)The prescribed authority shall, while holding an inquiry under sub-section (3) of section 6, have all the powers of a civil court, while trying a suit, under the Code of Civil Procedure, 1908 (Central Act V of 1908) in respect of the following matters, namely:-(a)summoning and enforcing the attendance of any person, and examining him on oath;(b)requiring the discovery and production of any document;(c)reception of evidence on affidavits;(d)requisitioning any public record from any court or office;(e)issuing commissions for examination of witnesses.

11. Services of notices and orders.

(1)Save as otherwise provided by this Act and subject to the provisions of this section, and of any rules that may be made under this Act, every notice issued or order made under this Act shall-(a)in the case of any notice or order of a general nature or affecting a class of persons, be published in the [Telangana] [Substituted by G.O.Ms.No.45, Law (F) Department, dated 01.06.2016.] Gazette;(b)in the case of any notice or order affecting an individual corporation or firm, be served 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 to the Code of Civil Procedure, 1908 (Central Act V of 1908).; and(c)in the case of any notice or order affecting an individual person (not being a corporation or firm), be served on such person -(i)by delivering or tendering it to that person;(ii)if it cannot be so delivered or tendered, by delivering or tendering it to the head of the office in which such person is employed or to any adult male member of the family of such person, or by affixing a copy of it on the outer door, or on 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(iii)if service cannot be effected

under sub-clause (i) or sub-clause (ii), by post.(2)Where the ownership of the land is in dispute or the persons interested in the land are not readily traceable and the notice or order cannot be served without undue delay, service of the notice or order shall be effected by publishing it in the [Telangana] [Substituted by G.O.Ms.No.45, Law (F) Department, dated 01.06.2016.] Gazette, and where possible, a copy thereof may also be affixed on any conspicuous part of the land to which it relates.

12. Protection of action taken in good faith.

(1)No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done in pursuance of this Act or of any rule or order made thereunder.(2)No suit or other legal proceeding shall lie against the Government or the prescribed authority or any officer or authority, subordinate to the Government or the prescribed authority, for 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 of any rule or order made thereunder.

13. Bar of jurisdiction of civil courts.

- Save as otherwise expressly provided in this Act, no civil court shall have jurisdiction in respect of any matter which the Government or the prescribed authority is empowered by or under this Act, to determine, and no injunction shall be granted by any court or other authority in respect of any action taken or to be taken in pursuance of any power conferred by or under this Act.

14. Power to make rules.

- [(1)] [Section 14 renumbered as sub-section (1) and sub-section (2) has been added by Act 35 of 1981.] The Government may, by notification in the [Telangana] [Substituted by G.O.Ms.No.45, Law (F) Department dated 01.06.2016.] Gazette, make rules for carrying out the purposes of this Act.(2)Every rule made under this Act shall immediately after it is made, be laid before each House of the State Legislature if it is in session, and if it is not in session in the session immediately following, for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if before the expiration of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or in the annulment of the rule, the rule shall, with effect from the date of notification of such modification or annulment in the [Telangana] [Substituted by G.O.Ms.No.45, Law (F) Department dated 01.06.2016.] Gazette, have effect only in such modified form or shall stand annulled, as the case may be ; so, however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

15. Application of the Act to certain pending cases of acquisition.

- The provisions of this Act shall, if the Government so direct, apply also to any case in which proceedings have been started before the commencement of this Act for the acquisition of any land

in a slum area under the Land Acquisition Act, 1894 (Central Act I of 1894) (hereinafter referred to as the said Act), but no award has been made by the Collector under section 11 of the said Act before such commencement, as if -(i)the notification published under sub-section (1) of section 4 of the said Act, or(ii)the declaration made under section 6 of the said Act, or(iii)the notice given under sub-section (1) of section 9 of the said Act,were a notice to show cause against the acquisition of the land served by the Government under the proviso to sub-section (2) of section 3 of this Act

16. Power to remove difficulties.

- If any difficulty arises in giving effect to the provisions of this Act, the Government may, as occasion may require, by order, do anything which appears to them necessary for the purpose of removing the difficulty.The Schedule[See section 6 (2)]

1. The net average annual income referred to in subsection (1) of section 6 shall be one-fifth of the gross rent actually derived by the owner from the land acquired and the huts and buildings, if any, thereon during the period of five consecutive years referred to in that sub-section after deducting municipal taxes, revenue charges and cost of repairs for the said period of five years from such gross rent.

2. [The gross rent shall be determined by the prescribed authority by local enquiry, and, if necessary, by obtaining certified copies of extracts from the property tax assessment books of the municipal corporation or the municipal council concerned showing the rental values of any such lands, huts or buildings. The cost of repairs to the huts or buildings on the land shall be calculated at the rate of one month's rent per year in each case.] [Substituted by Act No.35 of 1981.]

3. Where there are trees on the land acquired, the prescribed authority shall take into account the income, if any, actually derived by the owner from such trees during the said period of five years.

4. If the land, huts or buildings thereon remained unoccupied, or the owner has not been in receipt of any rent for the occupation of such land, huts or buildings during the whole or any part of the said period of five years, the gross rent shall be taken to be the income which the owner would in fact have derived if the land, huts or buildings had been leased out or given for rent during the relevant period and, for this purpose, the income actually derived from similar lands, huts or buildings in the vicinity shall be taken into

account.