

# Land Acquisition Rules, 1977

SIKKIM

India

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### Rule LAND-ACQUISITION-RULES-1977 of 1977

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### **Part 1 – Preliminary In exercise of the powers conferred by Section 55 of the Land Acquisition Act, 1894 (1 of 1894) the State Government hereby makes the following rules:-**

#### **1. Short title.**

(1)These rules may be called the Land Acquisition Rules, 1977.(2)These rules shall apply to acquisition of land for public purpose as stipulated under Section 3 (f) of the Act.

#### **2. Definitions.**

- In these rules unless the context otherwise requires:(a)"Act" means the Land acquisition Act, 1984.(b)" Collector" means the collector of the District with in whose jurisdiction the land is situated or any other officer empowered by the State Government to perform the functions of a Collector under the Act.(c)" Form" means a form appended to these Rules.(d)"Government" means the government of Sikkim or the Central Government as the case may be;(e)"Section" means a Section of the Act.

#### **3. Application for acquisition of land.**

- Application for acquisition of land for public purposes shall be in Form A. the following documents shall accompany the application to the collector for acquisition of land:(i)A draft notification under section 4 specifying the names of the district and block and approximate area and purpose for which the land is proposed to be acquired.(ii)A plan of the land proposed for acquisition giving its

dimensions.(iii)A certificate to the effect that administrative sanction to the project for which land is acquired had been obtained and the provision for funds has been made on the budget.(iv)A detailed list of buildings, trees etc. including the estimated compensation which may be paid for each item in the opinion of the acquiring body.(v)A certified copy of the resolution passed by a local body in the case of acquisition for the that body.(vi)A certificate by a company that the land proposed for acquisition is the minimum required for their purposes.(vii)A draft agreement under Section 41 of the Act to be submitted by a company only).

#### **4. Forwarding case to Government.**

- While forwarding case to government for issue of notification under Section 4 of the Act, the collector shall furnish the notification, and pass orders in form B. Except in cases of government Departments, the collector should ensure that at least two-third of estimated compensation of land and a sum equal to 2 ½ % thereon towards cost of acquisition are deposited before he sends recommendation for a notification under Section 4 to the State Government.

#### **5. The notification under Section 4 (1) shall be in land acquisition form I or form II as the case may be.**

#### **6. Issue of notice.**

- Immediately after the publication of the notification under sub-section (1) of section 4, the Collector of the District shall, as required by the said sub-section, cause a notice stating that the land is needed, or is likely to be needed for a public purpose, specifying the purpose and requiring all persons interested in that land to lodge before the Collector, before the date specified in the notification mentioning the said date which should not be earlier than 15 days and not later than 30 days from the date of publication of Notification under Section (1) a statement, in writing of their objections, if any, to the proposed acquisition of the land or any land in the locality, to be published at convenient places in the locality where the land proposed for acquisition is situated and copies thereof affixed in his office and in the nearest Police Station forwarding a copy to the Mondal of the Block or any local authority in which the land is situated. A copy of the land to be notice may also be caused to be served individually, on every person known or believed to be interested in the acquired. The form of such notice will be as in L.A. Form III.

#### **7. Statement of Objections.**

- The statement of objections shall mention how the objector is interested in the land and set out the grounds of objection.

#### **8. Hearing of Objections.**

(1)If a statement of objection is filed after the date specified in the notification under Section 4 of by a person who is not interested in the land, it shall be summarily rejected.(2)If any objection is

received from a person interested in the land on or before the date specified in the notification under Section 4 the Collector shall fix a date for hearing the objections and give notice thereof to the objectors as well as to the department, company or other public body acquiring the land. Copies of objections shall also be forwarded to the concerned government Department/ Agency/Company or other public bodies. The Government department/Agency/company or other public bodies may file on or before the date fixed by the District Collector a statement by way of answer to the objections and may also depute a representative to attend the enquiry.(3)On the date fixed for enquiry or any other date to which the enquiry may be adjourned by the district Collector, the District Collector shall hear the objector or his advocate or Pleader and the representative, if any, of the department, company or other public body and record any evidence that may be produced by them.

## **9. District Collector to report to Government.**

- On completion of his enquiry, the district collector shall as far as possible before the expiry of six weeks from the last date of filing objections submit his report and recommendation as to each objection, whether admissible or in admissible, for the orders of government under subsection (2) of Section 5-A. The collector shall also forward along-with his report all connected papers and a draft of declaration as required under Section 6.

## **10. Consideration of objection and issue of final notification.**

- On a consideration of objections and the Collector's report thereon, if the Government decides:-(a)That the land should be acquired, the Government shall make a declaration under Section 6 that the land is needed for public purposes or for a company as in Land Acquisition Form IV of V as the case may be.(b)That all or any, land possession whereof has not been taken should not be acquired, a notification cancelling the notification issued under Section 4 shall be published by the Government in Land Acquisition form VI.

## **11. Notice under Section 9.**

(1)The notice to be issued under section 9 shall contain the full particulars of the lands to be acquired. The District Collector shall cause public notices to be given at public places calling upon all the persons interested in the land to appear before him either in person or by agent, on a date specified in the notice (such date not being less than fifteen days from the date of service of the notice). The District Collector shall also serve similar notices on the occupier, if any; of such land on all the persons who have an interest therein.(2)The notice under sub-rule (1) shall contain the particulars of the land needed and shall be in Land Acquisition Form VII.

## **12. Manners of service of notice.**

(1)The notice under Section 9 shall be published at convenient places in the locality where the land to be acquired is situated and copies thereof shall be fixed in the office of the District collector or any other officer appointed to perform the Functions of the District Collector under the Act and also

copies thereof shall be forwarded to Panchayat of Block within which the land is situated.(2)Individual notices shall also be served on all persons known or believed to be interested in the land or who are entitled to act for persons so interested and who normally reside within the revenue block of the district in which the land is situated.(3)The statement under Section 9 shall be as required in Land Acquisition Form VII.(4)A special notice to occupiers of land to be taken up and other persons interested in it shall be issued in Land Acquisition Form VIII.

### **13. The statement under Section 9 shall be in Land Acquisition Form IX.**

### **14. Power to require and enforce making of statement as to names and interest.**

- Where the Collector requires any person to make or deliver to him a statement containing the name of every other person having any interest in the land or any part thereof , he shall issue a notice as in Land Acquisition Form X.

### **15. Determination of Compensation (Section 11).**

- (a) Land : The award of compensation should be made-on the basis of the market value of the land as at the date of publication of notification under Section 4 (1) of the Act and the restrictions imposed by Section 24 (seventy) also become operative from that date. The market value of the land should preferably be determined by-scanning the sale deeds of similar type of land in the locality immediately before the notification under Section 4 (1).In case where market value cannot be determined on the principle aforesaid the principle of capitalization of the net annual profit should be adopted for determining the amount of compensation payable for a property. The net annual profit represents interest on capital invested. The rate of interest shall, however, be notified by the Government from time to time.(b)Trees : The award shall include value of trees also but care has to be taken not to pay the value of trees twice, e.g. when the value of the produce of the trees has already been included in the rent which forms the basis of award. The land owner is entitled to compensation for the value of the produce of the trees and such compensation should be awarded to him unless, as said above, it has already been included in the rent which forms the basis of the award. The market value of fruit trees, bamboos or other fodder trees, at ten times the annual value of fruit/fodder leaves, shall be tendered as compensation.The owner may, however, be given the option of a cutting and removing the trees but on such option being exercised, no compensation for trees shall be awarded.(c)Houses : The rental of houses should be calculated wherever possible on the actual three years rental preceding the award and the rental value shall ordinarily be 10 times the annual average of such rental. Where it is not possible to determine the annual rental the calculation shall be based upon an estimate of the cost of materials and re-building, the former being deducted if made over to the owner. In case of thatched houses or other which could be removed without serious damage, the owners may be allowed to remove them but expenses required for such removal will be paid to them.(d)Other Structures : ( Tanks, fencing walls etc.) - The cost of reconstruction shall ordinarily be tendered as compensation provided.(i)that if any of the structures has been out of use compensation shall be allowed on the present value of the material only.(ii)that

if any of the structures is out of repair or damaged deduction shall be made on that account.(e)Irrigation and water supply channel:As far as possible the irrigation and water supply channel preferably by kept intact. If this is not possible and a new construction has to be made, the entire cost of construction shall be estimated and tendered as compensation. If there is no possibility of providing any irrigation channel and the irrigation facility in respect of any holding is lessened, compensation shall be tendered to the affected land owners at 100 times of the difference of Land Revenue between the irrigated and unirrigated revenue rates on the land.(f)Capitalized value of land revenue : the capitalized value of land revenue is the aggregate land revenue of a certain number of years payable by an acquiring body to the State Government to compensate it for the loss in land revenue, as a result of its remission, in cases of compulsory acquisition.The multiple to calculate the aggregate land revenue shall be forty. When the land revenue is not assessed, it shall be calculated at the average rate of Land revenue per acre of a similar land in the locality.

## **16. Necessary ingredients of an award.**

- An award framed under Section 11 should contain the following information's:-(a)Name of the acquiring body.(b)Details of notification issued for acquisition of Land i.e. number and date of notifications under section 4 and 6 of the Act.(c)Details of land under acquisition i.e. area, plot number, block, Elaka etc.(d)Details of issue and service of notice under Section 9.(e)Detailed discussion of claims field and orders passed.(f)A brief oarration of various kinds f land and the rates applied for calculating compensation for each kind of land.(g)Amount of compensation paid for crops, if any.(h)Method of calculating compensation for trees, wells, buildings etc.(i)Whether the whole or part of land under acquisition has been treated as potential building site, if so, detailed, discussion of reasons for arriving at the amount proposed to be awarded.(j)Interest, if any, to be paid under Section 34.(k)Capitalized value of land revenue, if any, to be realized from the acquiring body.(l)Cost of acquisition (Establishment charges) at the rate of 2 1/2 % of the award to be realized from the acquiring body.(m)Original estimates and reasons for market variations, if any, when compared with the amount awarded.(n)Total amount of compensation to be awarded and details of apportionment, if any.All award orders with relevant statements should be prepared in duplicate and one copy thereof should be sent to the Secretary, Land Revenue Department, in the state Government, within a week of their announcement.

## **17.**

In order to avoid future litigation and safeguard the interests of government and other acquiring bodies involved in major acquisition cases, the collector should obtain previous approval of the Secretary, Land Revenue before announcing an award relating to a particular case when the amount of the award exceeds Rs. 25, 000.00. The relevant land acquisition file should invariably be sent to the Secretary, Land Revenue Department, to enable him to judge the contents of the proposed award.

## **18. Collector to give notice of award (Section 12).**

- The Collector shall give notice in L.A. Form XI of his award to such of the persons interested who are not present personally or by their representatives when the award is made.

## **19. Payment of compensation by the Collector.**

(a) All payment of compensation should be made by the Collector himself or by the Officer duly authorized by the State Government to perform the duties of a Collector. (b) Payment should be made on the date fixed for the attendance of the landowners or cultivators to receive compensation. (c) In case of petty payments, if the payees do not apply for a reference to Court under Section 18 of the Act, the compensation awarded to them may be remitted by Money order duly deducting the money order fees therefrom.

## **20. On account payment.**

(1) where, in the opinion of the Collector, there is likely to be delay in making of award under Section 11, and possession of land has been taken Section 17, the Collector shall, not later than the expiry of six months from the date of taking of possession make "on account" payment to the persons interested upto two-thirds of the amount determined or likely to be determined as compensation. But no "on account" payment exceeding Rs. 15, 000/- shall be made without the prior approval of the Secretary, Land Revenue Department. (2) The "on account" payment referred to above shall be deemed to be part of the compensation payment under the Act and shall be adjusted against the same. (3) In cases where a reference has been made under Section 18, above provisions shall apply subject to the modification that the "on account" payment tendered shall be of so much of the compensation amount as is not on dispute.

## **21. Taking over possession of land (Section 16).**

(1) Notice for taking over possession may be given in L.A. Form XII. (2) Possession will be taken over by the Collector who will subsequently hand over possession to the acquiring body. (3) Where possession is to be taken over under Section 17, sanction of Government should be applied for at the time of sending up the declaration under Section 6. The following conditions must be fulfilled in cases in which possession is taken under Section 17 (1). (a) The declaration under Section 4 must have been published. (b) The land must have been demarcated under Section 8. (c) The land must be required for permanent acquisition. (d) The orders of Government for taking possession must have been obtained. (e) Compensation for immediate damage must be assessed and offered. (f) The land must be "waste or arable". The expression "arable land" does not include orchards, homesteads, tanks, land under tea or land laid out in permanent crops. (g) Fifteen days must have expired after publication of the notice under Section 9 (1).

**4. Possession over land should not be taken where there is any possibility of withdrawal from land acquisition proceedings because Government can withdraw from the acquisition of land under Section 48 only before possession is taken.**

## **22. Reference (Section 18).**

(1)An application for reference may be made by any person interested.(2)Reference is not to cover more than one award.(3)Form of reference under Section 18 should be drawn up in L.A. Form XIII and that under Section 30 in LA Form XIV.(4)The collector should be careful to record all requisite particulars. He should defend the case exactly as he would in a Government suit. Where the proceedings have been undertaken on behalf of a local authority or company, the collector should immediately send to them a copy of the notice received by him from the court, in order that arrangement may be made by them, if necessary, to supplement the action taken by the Collector to defend the case.

## **23. Cost of service of notice (Section 20).**

- The cost of service of notice prescribed in Section 20 is chargeable to the parties interested and not to Government. When the Collector makes a reference under Section 30 he should in the first instance pay the process fee and remit them to the Civil Court with the reference, and the Government pleader/counsel should apply to the Court to deduct cost from the compensation payable to the parties.

## **24. Correction in land records about land acquired and reduction and remission of land revenue.**

- While calculating reduction or remission of land revenue on account of land acquired for public purpose the amounts should be rounded off to the nearest five paise. The list drawn up should be forwarded to the District collector concerned for making proper entries in the land records of the land acquired and reduction or remission of land revenue granted in each case. Suspension of land revenue should be ordered from the date of taking possession over the land acquired for public purpose.

## **25. Temporary occupation of land.**

- (Section 35) - the acquisition of land under Section 35 of the Act in every case will be regarded as a sort of lease without a premium. For the occupation and use of the land the Collector shall pay such compensation, either in a gross sum of money or by periodical payment as shall be agreed upon in writing between him and the owner. The notice to owners of land shall be given in land Acquisition Form XV. Form A(Rule 3)Form of application for acquisition of land for public purpose:

- 1. Name of public body, institution or Department of Government applying for acquisition of land**
- 2. Name of the block and district where the land is situate**
- 3. Further details regarding exact location (e.g. Khasra plot No., boundaries)**
- 4. Area proposed for acquisition**
- 5. Object of acquisition**
- 6. Amount provided in the budget for the cost of acquisition**
- 7. Particulars of the existence on the land for any religious or monumental buildings, tomb, graveyards etc.**
- 8. Whether required permanently or temporarily. If the latter, state the approximate period of acquisition**
- 9. Whether possession wanted immediately?**

If so, state reasons

#### **10. Enclosures:**

(See notes) Date: \_\_\_\_\_ signature of the applicant and address. Note. - The collector should see that an applicant encloses the following documents with his application. (1) A draft notification under Section 4. (2) A plan of the land proposed for acquisition. (3) A certificate to the effect that administrative sanction of the project for which land is Acquired has been obtained and that provision of funds have been made in the budget. (4) A detailed list of buildings, trees etc. including the estimated compensation which may be paid for each item in the opinion of the acquiring body. (5) A certified copy the resolution passed by a local body in the case of acquisition of land for that body. (6) A certificate that the land proposed for acquisition is the minimum required for the purpose. (7) A draft agreement under Section 41 of the act (in case of a company only). Form B (Rule - 4) Collector's Certificate and Order

**1. Certified that I have had enquiries made into the application for the acquisition of land for.....**



**2. It is/is not necessary to acquire the land for the object stated in the application for the following reasons:**

**3. The amount of estimated compensation payable for the land is Rs..... A sum of Rs..... Has already been deposited by the applicant in the following manner :-**

**4. (a) If the land is acquired the estimated reduction in the revenue will be as follows:-**

Block, names of landholders- Reduction in revenue.(b)The capitalized value of the land revenue will be Rs.....

**5. Purchase by private contract is not desirable/ practicable for the following reasons:**

**6. There are no religious monumental buildings, toms, graveyards on the land proposed to be acquired.**

**7.**

The land proposed to be acquired is not under cultivation/ is under cultivation but another plot or uncultivated land which may equally serve the purpose is /is not available within a radius of half a mile of the land proposed to be acquired.(If another plot of land is available which can equally serve the purpose, please state reasons in favour of the acquisition of the land proposed or give the modified proposal)

**8. Objections are/are not likely to be received.**

**9. I have considered the application for acquisition and satisfied myself that the acquisition may be allowed to proceed. There is no other proposal for the acquisition of this land, and a notification under Section 4 may issue or a reference may be made to Government for the issue of the necessary notification.**

OrIn my opinion it is not desirable to proceed with the acquisition for the following reasons and a reference may be made accordingly to Government:-Date

:\_\_\_\_\_Place\_\_\_\_\_Collector.I

I.Form of notification under Section 4, Land Acquisition Act, 1894 (Act 1 of 1894) for Land which can be specified.(to be used when land is required for any purpose other than a purpose of the Central Government).Whereas it appears to the Governor that land is likely to be needed for a public

purpose, not being a purpose of the Union, namely for..... In the block of  
 ..... District, measuring more or less.....acres,  
 bounded on the ( here specify the boundaries),..... is likely to be need for the  
 aforesaid public purpose at the public expense within the aforesaid block.....This  
 notification is made, under the provision of Section 4 of Act 1 of 1894 to all to whom to may  
 concern.A plan of the land may be inspected in the office of the .....In exercise  
 of the powers conferred by the aforesaid section the Governor is pleased to authorize the officers for  
 the time being engaged in the undertaking, with their servants and workmen, to enter upon and  
 survey the land and do all other acts required or permitted by that section.Any person interested in  
 the above land who has any objection to the acquisition thereof, may within thirty days after the  
 date on which public notice of the substance of this notification is given in the locality, files an  
 objection in writing before the CollectorDated: \_\_\_\_\_Secretary, Land Revenue  
 Department, Government of Sikkim,L.A. Form - IIForm of notification under Section 4 of the Land  
 Acquisition Act, 1894 (1 of 1894), for land which can specified.(to be used when land is required for  
 a purpose of the Central Government)Where as the function of the Central Government under the  
 land Acquisition Act, 1894 9 I of 1894), in relation to the acquisition of the land for the purposes of  
 the Union have been entrusted to the State Government by notification No. 20/1/55-Judl. Dated the  
 14th May, 1955 issued by the government of India in the Ministry of Home Affairs under clause (I)  
 of Article 258 of the constitution of India;And whereas it appears to the Governor that land is likely  
 to be needed for a public purpose being a purpose of the union, namely  
 for \_\_\_\_\_ in the block of \_\_\_\_\_  
 ELaka \_\_\_\_\_ District \_\_\_\_\_ it is hereby notified that a piece  
 of land comprising cadastral plots \_\_\_\_\_ and measuring , more or  
 less, \_\_\_\_\_ acres, bounded on the (here specify the  
 boundaries) \_\_\_\_\_ is likely to be needed for the aforesaid  
 public purpose at he public expense within the aforesaid block of \_\_\_\_\_.This  
 notification is made, under the provision Section 4 of the land Acquisition Act, 1894 read with the  
 said notification , to all whom it may concern.A plan of land may be inspected in the office  
 of \_\_\_\_\_In exercise of the powers conferred by the said section,  
 read with the said notification, the Governor is pleased to authorize the officers for the time being  
 engaged in the undertaking with their servants and workman to enter upon and survey the land and  
 all other acts required or permitted by that section.Any person interested in the above land who has  
 any objection to the acquisition thereof, may within thirty days after the date on which public notice  
 of the substance of this notification is given in the locality, file an objection in writing before the  
 Collector of \_\_\_\_\_ Date \_\_\_\_\_Secretary  
 Land Revenue Department Government of SikkimL.A. FORM III.Whereas it appears to governor  
 that land whose particulars are given below, is likely to be needed for a public purpose  
 for..... in block .....Elaka.....  
 District..... and whereas a notification under Section 4 of the Land Acquisition  
 Act, 1894 has been issued on the..... by the State Government, it is hereby notified  
 that all persons interested in the above land should lodge before the undersigned by  
 the..... day of..... 19..... a statement in  
 writing of their objections, if any, to the proposed acquisition of the land. .Date  
 \_\_\_\_\_Particulars of land and boundary.....Collector.L.A.

Form IV. Form of Declaration under Section 6, Act 1 of 1894. (to be used when land is required for any purpose other than a purpose of the Central Government). Whereas the Governor is satisfied that land is needed for a public purpose, not being a purpose of the Union, namely, for..... block of..... ELaka..... District..... It is hereby declared that a piece of land comprising cadastral plots ..... Measuring more or less..... acres bounded on the (here specify the boundaries)..... is needed for the aforesaid public purpose at the public expense within the aforesaid block of..... The declaration is made, under the provisions of Section 6 of Act of 1894, to all whom it may concern. A place of the land may be inspected in the office of the Collector..... Date: \_\_\_\_\_ Secretary, Land Revenue

Department, Government of Sikkim L.A. Form V Form of Declaration under Section 6 of the Land Acquisition Act 1894 (1 of 1894). (to be used when land is required for a purpose of the Central Government). Whereas the functions of the Central Government under the Land Acquisition Act, 1894 (1 of 1894), in relation to the acquisition of land for the purposes of the union have been entrusted to the State Government by notification No. 20/1/55 Judl. Dated the 14th May, 1955 issued by the Government of India in the Ministry of Home affairs under clause (1) of Articles 258 of the constitution of India. And whereas the Governor is satisfied that land is needed for a public purpose, being a purpose of the Union, namely for Rs. .... in the block of ..... Elaka..... District..... It is hereby declared that a piece of land comprising cadastral plots..... measuring more or less..... acres, bounded on (here specify the boundaries)..... Is needed for the aforesaid public purpose at the public expense within the aforesaid block of..... The declaration is made under the provision of Section 6 of the Land Acquisition Act, 1894 91 of 1894) read with the said notification, to all whom it may concern. A plan of the land may be inspected in the office of the ..... Date : \_\_\_\_\_ Secretary, Land Revenue

Department, Government of Sikkim L.A. Form V Whereas the land whose description is given below was likely to be needed for public purpose and a notification to that effect had been made in the official Gazette No..... dated..... Under Section 4 of the Land Acquisition Act, 1894 and whereas it has subsequently been revealed that the land is not required for public purpose and that possession over the land has not been taken over by the Collector, District..... The notification made earlier under Section 4 of the Land Acquisition Act 1894 is hereby cancelled. Description of the Land: Khasra

No..... Block..... District..... Boundaries.

Land Revenue Department, Government of Sikkim L.A. Form VII Form for General Notice to be published under clause (1) and (2) Section 9 Act 1 of 1894, for land to be taken up. Notice is hereby given that ..... acres, more or less of land situated in or near the block of..... described below, and recently marked out and measured, are about to be taken by government for a (here specify the purpose), under Act 1 of 1894, in accordance with a declaration No..... dated..... published in the Government Gazette of the ..... All persons interested in this land are hereby called upon to appear personally or by agent on the (enter a date not less than fifteen days from the date of publication of the notice) at the office of..... at..... to state the nature of their interest in the land and the amount and particulars of their claims to compensation for the same, and their objections, if any, to the measurements made under Section 8 of the Act. Boundaries North South East West Date:

.....Collector L.A. Form VII Form of special Notice to be issued under clauses (3) and (4), Section 9 Act 1 of 1894 to occupiers of the land to be taken up and other persons known or believed to be interested in it, or to be entitled to act for persons so interested. Notice is hereby given..... acres, more or less, of land situate in or near the block of ..... described below and recently marked out and measured are about to be taken by Government for a (here specify the purpose), under 1 of 1894 in accordance with declaration No..... dated..... If you have any interest in this land or are entitled to act for persons so interested you are hereby called upon to appear personally or by agent on the (enter a date not less than fifteen days from the date of the publication of the notice) at the office of the undersigned at..... to state the nature of such interest in the land, and the amount and particulars of any claim you may wish to prefer for the same, and your objections, if any, to be the measurements made under Section 8 of the Act. Boundaries Date :

.....Collector..... in the Government Gazette of the..... L.A. Form IX. (Form of statement under Section 9 of the Land Acquisition Act, 1894). To The District Collector, L.A. Case No..... Re : Acquisition of land for..... Statement of claim by..... The claimant states as follows :

- 1. That he is the Proprietor/Co-proprietor/ mortgagee/Tenant of the land proposed of be acquired in the above case.**
- 2. That he accepts the areas given in the notice or, that the land proposed to be acquired in the above case within the boundaries mentioned in the notice is by measurement..... and not..... as stated in the notice.**
- 3. That his claimant would claim Rs..... per..... of the land and Rs..... for the building standing thereon**
- 4. That he would claim Rs..... For damage (if any) sustained on severance of the land and Rs..... For the crops and trees (if any) standing thereon.**
- 5. That he would claim Rs..... for the crops and trees (if any) sustained on severance of the land acquired in the above case from his other land.**

**6. Whether competent to alienate land by private sale.**

**7. Total amount claimed under separate heads.**

**8. Whether the area given on the notice is accepted or not.**

Documents should be filed in support of those statements, if any, exist and if the area is disputed a map showing the boundaries claimed, the measurement and the area.

**9. Claim by tenant holding under a lease or by tenant with occupancy right.**

**1. Name of the Claimant and shares.**

**2. Name of co-sharer and shares.**

**3. Full description of lease.**

**4. Rent or profits derived from the land by the claimant during the past three years.**

**5. Whether the premises is used for residential or business purposes. If the latter the nature of business and the annual profits from it.**

**6. Total amount claimed under separate heads.**

**7. Description and value of any Fixtures owned by the claimant**

**8. Details of any mortgage or charge on the lease.**

**9. whether competent to alienate the right under the lease**

L.A. FORM X. Form of requisition under Section 10, Act I of 1894, to be added when necessary to Notice in Form 9. You are hereby required to make or deliver to the undersigned at (here specify the place) on (here specify the date not earlier than 15 days from the date of requisition) a statement containing, so far as may be practicable, the name of every person possessing any interest in the land, or any part thereof, referred to in the notice of ..... Served on you, as co-proprietor, mortgagee, tenant or otherwise and of the nature of such interest and if the rents and profits (if any) received or receivable on account thereof for three years next preceding the date of the settlement. Date : .....Collector L.A.

Form XI. Notice under Section 12 (2) of Act 1 of

1894. Project \_\_\_\_\_ Number of case \_\_\_\_\_

To

is hereby given that in the above case, in which you have been treated as a person interested an award was made by me on the..... 19..... under Section 11 of Act 1 of 1894. The sum payable to you is Rs..... If you are willing to accept payment, you should appear before me personally or by a duly authorized agent on or before..... Interest will not be payable in the case of failure to

appear. Date: ..... Collector District.....

Form XII. Notice for taking over possession. Take notice that the marginally noted property has been acquired by the State Government under the Land Acquisition Act, I of 1894 for..... as per notification in the Sikkim Gazette dated..... page..... and that to the ..... who has received instructions in the matter. If you fail to do so, the..... will be addressed to enforce the surrender of the property to the department under Section 47 of the Land Acquisition Act. Date: .....

19..... Collector L.A. Form XIII. Reference to the Court under Section 18, Act I of 1894. Whereas, A.B. son of..... has not accepted the award made by me under Section 11 of the Act 1 of 1894, a copy of which is hereto annexed, and has required by the accompanying application that the matter be referred to the Court, I hereby make reference to the Court of the..... Name of

project: Notification..... Dated..... Declaration

No....., Dated..... Published at page.....

part of the Sikkim Gazette of the Situation and extent of the land in acres and decimals, the number of fields plots on the map, the name of the block and the number of mile plan, if any. Particulars of trees, buildings or standing crops, if any. Name and addresses of persons found to be interested in the land and nature of each person's interest. Amount awarded for damages and paid or tendered under Section 5 and 17. Compensation awarded under Section 11, for land, for trees, houses, etc. For crops and huts Total Rs. Grounds on which the amount of compensation was determined. Nature of the objection taken to the award.

## **under Section 19 (2) of the Act, giving particulars of notices served.**

Description of Notice	Date	Name or Person	When Served	How Served
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Notice Under Section 9 (3) and 10 of The Act Notice

Under Section 12 (2) of the Act.

Date : ..... Collector. Form

XIV Reference to the Court under Section 30, Act 1 of 1894. Whereas a dispute exists between the parties interested (between A and B) as to the apportionment of the compensation (or of a portion of the compensation) settled by me in the award made under section 11 of the I of 1894, of which a copy is hereto annexed, I hereby refer such dispute for decision to the court of

..... Name of

Project..... Number and date of notification and declaration under which the land has been acquired. Situation and extent of the land in acres and decimals, the number

of field plots on the map, the name of the block, and the number of mile, plan, if any. Names and address of the persons interested in the land, and the nature of their respective interests. Amount of compensation awarded under Section 11. Particulars of the dispute. Date: \_\_\_\_\_ Collector Form XV Form of notice to be issued under clause 2 of Section 35, Act 1, 1894 to the persons interested in the land to be occupied and used temporarily. Notice is hereby given that \_\_\_\_\_ Acres, more or less land situated in the block \_\_\_\_\_ Elaka \_\_\_\_\_ District \_\_\_\_\_ bounded as below and recently marked out, are required for temporary occupation and use under clause 1 of Section 35 of Act 1, of 1894 in accordance with Government order No. \_\_\_\_\_ dated \_\_\_\_\_ For a period of \_\_\_\_\_ For (here specify the purpose) If you have any interest in the land or are entitled to act for persons so interested, you are hereby called upon to appear personally or by agent on the (enter the date fixed) \_\_\_\_\_ At the office of \_\_\_\_\_ at \_\_\_\_\_ to state the nature of your interest in the land and the amount and particulars of any claim for compensation which you may wish to prefer. If you fail to put in and appearance as required above, compensation will be awarded ex-parte and the land will be entered upon and occupied for the purpose specified above. Boundary : North East South West Date: \_\_\_\_\_ Collector