

# Sikkim Land Requisition and Acquisition Rules 1978

SIKKIM

India

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### Rule

## SIKKIM-LAND-REQUISITION-AND-ACQUISITION-RULES-1978 of 1978

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Sikkim Land Requisition and Acquisition Rules 1978Published vide Notification No. 70/LR (8), dated 28.04.1978Last Updated 25th February, 2020Notification No. 70/LR (8), dated 28.04.1978. - In exercise of the powers conferred by Section 18 of the Sikkim Land (Requisition and Acquisition) Act, 1977 (1 of 1978) the State Government hereby makes the following rules: -

### 1. Short title and Commencement.

(a)These rules may be called the Sikkim Land (Requisition and Acquisition) Rules, 1978.(b)They shall come into force at once.

### 2. Definition.

- In these rules unless there is subject or context, anything repugnant in the(i)'Act' means the Sikkim Land (Requisition and Acquisition) Act, 1977;(ii)'Form' means a form appended to these rules;(iii)'Section' means a Section of the Act.(iv)'Government' means the State Government of Sikkim.

### 3.

All proceedings under the Act shall be held before the Collector or the Court, as may be applicable, within whose jurisdiction the Land to be requisitioned or acquired is situated.

#### **4. Procedure to be followed for the purpose of Section 3.**

(1)Where it is decided to requisition a Land the Collector shall call upon, in L.R.A. Form I, the owner or any other person who may be in possession of the land to show cause within fifteen days of the date of the service of the notice on him, why the land should not be requisitioned. He shall also direct the owner of the land or any other person not to dispose of or structurally alter the land except with his permission.(2)After considering the objection, if any, put in by any person interested in the land the Collector, if he is satisfied that it is necessary to do so, may order the requisition of the land. Order of requisition of the land shall be in L.R.A. Form 2.

#### **5. Order of Requisitioning and the manner of service.**

(1)The order under Section 3 shall be served on the owner of the land and where the land is in the occupation of an occupier, not being the owner of the land, also on such occupier in the following manner:(i)By delivering or tendering it personally to that person or(ii)If it cannot be delivered or tendered in the above manner by delivering or tendering it to any adult member of the family of such person, or by affixing a copy thereof 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 failing service by these means, by registered post.(2)Where any order is to be served on any Corporation or firm, it shall be served in the manner provided below(a)Upon anyone or more of the partners, Secretary, any director or other principal officer of the Corporation or firm,(b)By leaving it or sending it by registered post addressed to the Corporation/firm at its office, or if there is no registered office then at the place where the Corporation/firm carries on business.(3)Where the ownership of the property is in dispute or where the persons interested in the property are not readily traceable and the order cannot be served without undue delay, the order may be served by publishing it in the official Gazette and by affixing a copy thereof on any conspicuous part of the property to which it relates.(4)Delivery of possession. - Where the owner or any other person who may be in possession does not surrender or deliver possession in pursuance of the order served in L.R.A Form 2, the Collector or any person duly authorised by him in writing may take possession of the property and may, for that purpose, use such force as may be necessary.(5)Repairs to requisitioned premises. - Where any premises are requisitioned under Section 3, the Collector may order the owners to execute such repairs as may be necessary and are usually made by owners in that locality and as may be specified in the notice, within such reasonable time as may be mentioned therein and if the owners fail to execute any repairs in pursuance of such order, the Collector may cause the repairs specified in the orders to be executed at the expense of the owners and the cost thereof may, without prejudice to any other mode of recovery, be deducted from the compensation payable to the owners.

#### **6. Acquisition of requisitioned property.**

(1)Where it is decided to acquire the land requisitioned under Section 3, the Collector before making his recommendation to the State Government shall call upon the person interested or any other person who may be interested in such land in L.R.A. Form 3 to show cause why the land should not be acquired.(2)Where no objection is received by the date specified in the notice under sub-rule (1)

or where objections have been received after hearing the interested person/persons, the Collector shall forward his recommendation along with the connected papers to the State Government for acquiring the land under Section 4.(3)On receiving the recommendation of the Collector under Sub - rule (2) the State Government shall, after examining the connected papers, if necessary, make a notification to the effect that such land is required to be acquired for any public purpose in L.R.A. Form 4.(4)After the publication of the notification under sub-rule (3) the Collector shall cause a public notice to be given at any convenient place on or near the land to be acquired in L.R.A. Form 5.(5)The Collector shall also serve notice on the occupier, if any, of such land and on all such persons known or believed to be interested therein or to be entitled to act for such occupier or persons so interested, as reside or have agents authorised to receive service on their behalf, within the district within which the land is situated in L.R.A. Form 6 in the manner prescribed in Rule 5.

## **7. Release from requisition.**

(1)Where any land requisitioned under Section 3 is not acquired and is to be released from requisition, the State Government may release the land by order in L.R.A. Form 7 in favour of the person who appears to it to be entitled to the possession of such land.(2)Where the person in whose favour delivery of possession of land mentioned in L.R.A. Form 7 is to be made is not found or is not readily traceable or has no agent or other person empowered to accept delivery on his behalf, the State Government shall publish a notification in L.R.A. Form 8 declaring that such land is released from requisition.

## **8. Notice of award.**

- Where the person interested in the land acquired is not present personally or by his representative when the award is made, the Collector shall give in L.R.A. Form 9 immediate notice of the award made ex-parte to such person. The notice shall be served in the manner prescribed in rule 5.

## **9. Principles and method of determining amount.**

(1)Where the Collector and the person interested do not agree as to the amount payable under Section 8 or where the person interested cannot be traced or does not appear before the Collector when called upon to be present, the amount shall consist of the following:(a)A recurring payment, in respect of the period of requisition of a sum equal to the rent which would have been payable for the use and occupation of the land taking into account net profit received or receivable thereof for the years next proceeding the date of requisition, if it had been taken on lease for the period and(b)Such sum, or sums, if any, as may be found necessary to compensate the person interested in all or any of the following matters namely:(i)Pecuniary loss due to requisitioning;(ii)Expenses on account of vacating the requisitioned premises;(iii)Expenses on account of re-occupying the premises upon release from requisition; and(iv)Damage (other than wear and tear) caused to the land during the period of requisition, including the expenses that may have to be incurred for restoring the land to the condition in which it was at the time of requisition.(2)During the period of requisition the land revenue/rent for the land will be payable by the owners; but in case of acquisition the land revenue/rent shall be remitted from the Fasli year next after the acquisition of land.(3)Where the

persons interested In the land are not present personally or by their representatives when the award is made, the Collector shall give immediate notice of his award in L. R .A. Form 10. The notice shall be served in the manner prescribed in Rule 5.

## 10. Collector to follow procedure of Civil Court.

- The Collector while holding an enquiry or taking proceedings under the Act shall follow the procedure of a Civil Court while trying a suit under the law relating to civil procedure 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)Receiving evidence on affidavits;(d)Requisitioning any public record from any court or office; and(e)Issuing commission for examination of witnesses.L.R.A. Form 1NoticeOffice of The District CollectorDistrict .....Where it appears that .....acres of land/property situated in Block..... District .....described below is needed for public purpose namely ..... I ..... District Collector, District.....in pursuance of the power given to me under Section 3 (2) of the Sikkim Land (Requisition and Acquisition) Act, 1977 (1 of 1978) hereby call upon the owner or any other person who may be in possession to show cause within fifteen days of date of the services of this notice on him, why the land/property should not be requisitioned. The owner of the property or any other person shall not without the permission of the undersigned dispose of or structurally alter the property aforesaid. The owner shall also furnish a statement containing so far as may be practicable at ..... (place) on .....the name of every person possessing interest in the land, or any part thereof as co-owner, mortgagee, cultivator or otherwise, and the nature of such interest and of rents and profits (if any) received or receivable on account thereof for three years next proceeding the date of statement.Description of land.....Collector District.....Dated,.....197L. R. A. Form 2ORDER.Whereas it appears that..... :..... acres of land/property situated in Block ..... District described below is needed for public' purpose namely..... for .....I ..... District Collector District .....in pursuance of the power given to me under Section 3 (2) of the Sikkim Land (Requisition and Acquisition) Act, 1977 (1 of 1978) hereby, requisition the aforesaid land/property and require your (owner of the land) or his nominee to deliver possession thereof within three days of the service of this order, failing which delivery of possession may be enforced by using such force as may be necessary.Description of land.....Dated .....197Collector District.....L.R.A. Form 3NoticeNo.....Dated.....197Whereas it appears necessary to acquire the land situated in Block ..... District..... described below which had been requisitioned under Section 3 of the Sikkim Land (Requisition and Acquisition) Act, 1977 (1 of 1978) on.....for... ..(public purpose) by the undersigned, Sri..... the interested persons R/O..... Block ..... District..... is called upon to appear on .....at 10 A.M. and show cause why the land should not be acquired. If no objection is received on the aforesaid date, the land-shall be acquired under Section 4 of the above Act.Dated .....197CollectorDistrict.....L.R.A Form 4Government of Sikkim Land Revenue DepartmentNotification No.....Dated Gangtok.....197Whereas it appears to the Governor that ..... :acres of land situated in Block District described below which had 'been requisitioned' on ..... :.....197 for

..... (public purpose) by Collector, District... .....it is. hereby notified that the aforesaid land is now acquired under Section 4 (2) of the Sikkim Land (Requisition and Acquisition) Act, 1977 (1 of 1978). The land requisitioned shall on the date of publication of this notification vest in the State Government free from all encumbrances and the period of requisition shall end forthwith. Particulars of land .....Dated.....1977 By Order, Secretary, Land Revenue Department, Government of Sikkim, Gangtok. L.R.A. Form 5 Public notice under Section 5 (1) and (2) of the Sikkim Land (Requisition and Acquisition) Act, 1977. Whereas the under mentioned land has been acquired under Section 4 of the Sikkim Land (Requisition and Acquisition) Act, 1977 (1 of 1978) vide Notification No..... published in the Sikkim Gazette dated..... 1977 all persons, interested in the said land are hereby called upon to attend personally or 'through agent at .....(place) on .....(enter a date not less than 15 days from the date of publication of the notice).....O'clock to put in a statement in writing (signed by themselves or by agents) showing the nature of their interest in the land, the amounts and the particulars of their claim to compensation in request of such interests, the basis on which the compensation so claimed is computed, their objection, if any to the area specified in the declaration and to put in a statement containing as far as may be practicable the name of any other persons possessing any interest in the land or any part of it as co-owner, mortgagee, cultivator or otherwise the nature of such interest and the rents and profits (if any) received or receivable on account of it for three years next proceeding the statement. (Particulars of land to be entered) Dated, ... ..... 1977 Collector District..... L.R.A. Form 6 Whereas the Governor of Sikkim has been pleased to acquire..... acres of land situated in Block ..... District ..... under Section 4 of the Sikkim Land (Requisition and Acquisition) Act, 1977 (1 of 1978) described below and previously requisitioned under Section 3 of the Sikkim Land (Requisition and Acquisition) Act, 1977 as per Government Notification No..... dated ..... I... ..Collector.. ... hereby call upon occupier, if any, on such land and all persons interested in the land personally or through agent at ..... (place)..... on .....(a date not earlier than 15 days of the publication of the notice) and to, state in writing the nature and particulars of the claim to the amount payable for the acquisition of such land. Dated ..... Collector District..... L.R.A. Form 7 Government of Sikkim Land Revenue Department Whereas it appears to the Governor that ..... acres of land situated in block..... District described below which was requisitioned on ..... under Section 3 of the Sikkim Land (Requisition and Acquisition) Act, 1977 (1 of 1978) is not to be acquired, it is hereby released from requisition. The delivery of possession of the land to Shri..... owner occupier will be effected by the Collector or his nominee and that shall be a full discharge of any liability of the State Government for any claim for any amount payable for requisition or other claim in respect of the land for any period after the date of delivery. Description of land. By Order Dated ..... 1977 Secretary, Land Revenue Department, Government of Sikkim, Gangtok. L.R.A. Form 8 Government of Sikkim Land Revenue Department Notification No. Dated Gangtok, the..... 1977. Whereas the Governor has been pleased to release under his orders dated ..... acres of land situated in Block..... District described below and requisitioned by Collector..... vide his orders dated... .. and Whereas the person in whose favour delivery of possession was to be effected is not found or is not readily traceable or has no agent or other person empowered to accept delivery on his behalf, it is hereby

notified that the aforesaid land is released from requisition. The land shall cease to be subject of requisition on and from the date of this publication and shall be deemed to have been delivered to the person specified in the order made under Sub-Section (I) of Section 6 and the State Government shall not be liable to pay any amount or claims in respect of such land for any period after the said date.

L.R.A. Form 9  
Notice  
Sub Section 3 (B) of Section 7  
Whereas Shri..... RIO Block.....District .....an interested person in the land description of which is given below and which has been acquired under Section 4 of the Sikkim Land (Requisition and Acquisition) Act. 1977 (I of 1978) is not present personally or through his representative at the time when award under Section 7 is made, a copy of the award is hereby sent to him for information and to appear before the undersigned on... .. and receive payment thereof.

Description of the land.....Dated.....197CollectorDistrict.....L.R.A. Form 10  
(Section 8(2)(a))  
Whereas Shri..... RIO Block.....District .....an interested person in the land description of which is given below and which has been acquired under Section 4 of the Sikkim Land (Requisition and Acquisition) Act. 1977 (I of 1978) is not present personally or through his representative at the time when award under Section 7 is made, a copy of the award is hereby sent to him for information and to appear before the undersigned on.....  
..... and receive payment thereof.  
Description of land  
Dated.....19CollectorDistrict.....