

# **The land Acquisition (Maharashtra Amendment) Act, 1972**

MAHARASHTRA

India

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### **Act 39 of 1972**

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The land Acquisition (Maharashtra Amendment) Act, 1972 Maharashtra Act No. 39 of 1972 [Dated 16th October, 1972] For Statement of Objects and Reasons, see Maharashtra Government Gazette, 1972, Part V, p. 250. An Act further to amend the Land Acquisition Act, 1894, in its application to the State of Maharashtra. Whereas, it is expenditure further to amend the Land Acquisition Act, 1894, in its application to the State of Maharashtra, for the purposes hereinafter appearing; It is hereby enacted in the Twenty-third Year of the Republic of India as follows :-

#### **1. Short title and commencement.**

(1) This Act may be called the Land Acquisition (Maharashtra Amendment) Act, 1972. (2) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

#### **2. Amendment of section 3 of Act I of 1894.**

- In section 3 of the Land Acquisition Act, 1894, in its application to the State of Maharashtra (hereinafter referred to as "the principal Act"), after clause (ee), the following new clause shall be inserted, namely :- "(eee) 'Land Acquisition Officer' means an officer appointed as such by the State Government by notification in the Official Gazette for such provisions of this Act as may be specified in the notification;"

#### **3. Amendment of section 4 of Act I of 1894.**

- In section 4 of the principal Act, -(1) in sub-section (1). for the words "or the Commissioner" the words "the Commissioner, or Land Acquisition Officer" shall be substituted; (2) in sub-section (2), for the words "or, as the case maybe, by the Commissioner" the words "the Commissioner, or as the

case may be, by the Land Acquisition Officer" shall be substituted.

#### **4. Amendment of section 5A of Act I of 1894.**

- In section 5A of the principal Act, in sub-section (2),-(a)for the words "to the Collector in writing", the words, brackets and figures "to the Collector, or to the Land Acquisition Officer, where he has published a notification under sub-section (1) of section 4, in writing" shall be substituted;(b)for the words "the Collector shall", the words "the Collector or, as the case may be, the Land Acquisition Officer shall" shall be substituted;(c)for the portion beginning with the words "to the appropriate Government" and ending with the words "for the decision of that Government", the following shall be substituted, namely :-"to the appropriate Government or, as the case may be, to the Commissioner (such report or reports by the Land Acquisition Officer being made to the State Government, or to the Commissioner, if so directed by the State Government) containing his recommendations on the objections, together with the record of the proceedings held by him, for the decision of the State Government or, as the case may be, of the Commissioner."

#### **5. Amendment of section 6 of Act I of 1894.**

- In section 6 of the principal Act,(1)in sub-section (1)(a)after the words "to certify its orders" the words, "or as the case may be, under the signature of the Commissioner;" shall be inserted; and(b)the words "or as the case may be, under the signature of the Commissioner" at the end shall be deleted.(2)after sub-section (1), the following new sub-section shall be inserted, namely :-"(1A) Where a declaration under sub-section (1) of this section or in pursuance of sub-section (2) of section 4 of the Land Acquisition (Amendment and Validation) Act, 1967 (hereinafter collectively referred to as "the said provisions"), could not be made before the expiry of the period specified in the said provisions due to stay or injunction by order of a Court in respect of any land notified under sub-section (1) of section 4, then, notwithstanding anything contained in the said provisions, a declaration in respect of such land may be made under this section where the stay or injunction has been finally vacated, before the expiry of one year from the commencement of the Land Acquisition (Maharashtra Amendment) Act, 1972, and where the stay or injunction is finally vacated after the commencement of the Act last mentioned, then within one year of such vacation of the stay or injunction; and there shall be paid simple interest calculated at six per centum per annum on the market value of such land as determined under this Act from the date of expiry of the period specified in the said provisions, to the date of tender of payment of compensation awarded by the Collector for the acquisition of such land :Provided that, no interest shall be payable for any period during which the proceedings for the acquisition of such land were held up due to stay or injunction by order of a Court."