

The M.P. Resettlement of Displaced Land Holders (Land Acquisition) Act, 1954

MADHYA PRADESH

India

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Act 22 of 1954

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The M.P. Resettlement of Displaced Land Holders (Land Acquisition) Act, 1954(M.P. Act No. 22 of 1954)[Dated 24th December, 1954]Received the assent of the President on the 24th December, 1954; assent first published in the Madhya Pradesh Gazette on the 31st December, 1954.An Act to provide for the speedy acquisition of Land for the resettlement of displaced landholders and for matters incidental thereto.Preamble. - Whereas it is expedient to make provisions for the speedy acquisition of land for the resettlement of displaced landholders and for matters incidental thereto;It is hereby enacted as follows :-

1. Short title and extent.

(1)This Act may be cited as the Madhya Pradesh Resettlement of Displaced Landholders (Land Acquisition) Act, 1954(2)[It extends to the whole of Madhya Pradesh] [Substituted by M.P. Act No. 23 of 1958.].

2. Definitions.

- In this Act, unless there is anything repugnant in the subject or context,-(a)"displaced landholder" means a person whose means of livelihood have been substantially affected by reason of the acquisition of his land by the State Government for the purpose of any scheme or project of public utility.(b)"land" means waste land or land held for agricultural purposes but does not include orchards, groves or gardens.

3. Notice of acquisition of land.

- Whenever it appears to the State Government that it is necessary or expedient to acquire speedily any land for the resettlement of displaced landholders, a notification to that effect shall be published in the Gazette stating the area of the land proposed to be acquired and other particulars sufficient to identify it.

4. Regulation of extent of acquisition.

- The State Government shall, for the purpose of ensuring a reasonable standard of living to the landholders whose lands are acquired under Section 3, framed rules laying down the proportion of land to be acquired from and to be left with such landholder.

5. Land to be acquired to be marked out and measured.

- On the publication of the notification under Section 3 the [Collector] [Substituted by M.P A.O. 1956.] shall cause for land proposed to be acquired to be marked out and also cause it to be measured and if no plan has been made thereof, a plan to be made of the same.

6. Service on owner or occupier affected by notice of acquisition.

- As soon as may be after action has been taken under Section 5 of the [Collector] [Substituted by M.P A.O. 1956.] shall cause to be served by registered post on the owner of the land and also on the occupier in cases where the owner is not in occupation of the land or, where the person to be served is not readily traceable or the ownership of the land is in dispute, shall publish in the Gazette, a notice stating the particulars specified in Section 3.

7. Vesting and taking possession of land.

(1)When a notice of acquisition is served or is published under Section 6, the land shall vest absolutely in the State Government free from all encumbrances on the date the notice is so served or published in the Gazette, as the case may be.(2)The [Collector] [Substituted by M.P A.O. 1956.] may, at any time after the land has become so vested, proceed to take possession thereof.

8. Objections to acquisition.

(1)Any person interested in any land which has become vested in the State Government under Section 7 may, within one month from the vesting thereof file his objection, if any, to the acquisition before the [Collector] [Substituted by M.P A.O. 1956.] and the [Collector] [Substituted by M.P A.O. 1956.] may, after making such enquiry as he thinks fit, either dismiss the objection or release the land in respect of which objection has been filed from acquisition.(2)If any land is released from acquisition under sub-section (1) it shall be deemed to revert in the person originally entitled thereto and any encumbrance, which may have been extinguished under Section 7, shall revive.

9. Notice to persons interested.

(1)The [Collector] [Substituted by M.P A.O. 1956.] shall cause public notice to be given at convenient places on or near the land of which possession has been taken under Section 7, stating that claims to compensation for all interests in such land may be made to him.(2)Such notice shall state the particulars of such land and shall require all persons interested in the land to appear personally or by agent before the [Collector] [Substituted by M.P A.O. 1956.] at a time and place therein mentioned (such time not being earlier than fifteen days after the date of publication of the notice), and to state the nature of their respective interests in the land and the amount and particulars of their claims to compensation for such interests, and their objections, if any, to the measurements made under Section 5. The [Collector] [Substituted by M.P A.O. 1956.] may in any case require such statement to be made in writing and signed by the party or his agent.(3)The [Collector] [Substituted by M.P A.O. 1956.] shall also serve notice to the same effect 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 persons so interested, as reside or have agents authorised to receive service on their behalf, within the revenue district in which the land is situate.(4)In case any person so interested resides elsewhere, and has no such agent, the notice shall be sent to him by registered post in a letter addressed to him at his last known residence, address or place of business.Explanation :- For the purpose of this section, the expression [Collector] [Substituted by M.P A.O. 1956.] shall include any officer specially appointed by the State Government to perform the functions of a [Collector] [Substituted by M.P A.O. 1956.] under the Land Acquisition Act, 1894 (1 of 1894).

10. Certain provisions of Land Acquisition Act, 1894, to apply to acquisition of land.

- The provisions in Sections 10 to 15 and 18 to 34 of the Land Acquisition Act, 1894 (1 of 1894) (hereinafter referred to as the said Act), shall apply to the acquisition of land under this Act as they apply to an acquisition of land made under the said Act, subject to the modification that any reference to Sections 4, 8 and 9 in any of those sections of the said Act shall be construed as references to Sections 3, 5 and 9 of this Act.

11. Disposal of land.

- Subject to such rules as may be made by the State Government the [Collector] [Substituted by M.P A.O. 1956.] may use or deal with any land acquired for the purpose referred to in Section 3 in such manner and subject to such conditions as may appear to him to be expedient for the purpose of resetting displaced landholders ;Provided that no displaced landholder shall be allotted land greater in value than the land from which he has been displaced.

12. Power to secure information.

- The State Government or the [Collector] [Substituted by M.P A.O. 1956.] may, with a view to determining the compensation payable under this Act, by order, require any person to furnish to

such authority as may be specified in the order such information in his possession relating to the land that may be so specified.

13. Penalties.

- Whoever wilfully obstructs any person in lawfully taking possession of any land under this Act or refuses to furnish any information as required by Section 12 shall be punishable with imprisonment which may extend to one month or with fine which may extend to fifty rupees or with both.

14. Exemption from stamp duty and fees.

- No award or agreement under this Act shall be chargeable with stamp duty, and no person claiming under any such award or agreement shall be liable to pay any fee for a copy of the same.

15. Protection for action done in good faith.

- 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 any order made thereunder.

16. Power to make rules.

(1)The State Government may make rules to carry out the object of this Act and for the guidance of the officers in all matters connected with its enforcement.(2)In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :-(i)the principles on which lands shall be selected for acquisition from landholders under Section 3;(ii)the proportion in which land shall be acquired from and left with the landholders;(iii)the principles on which and the conditions subject to which allotment of land will be made to displaced landholders under Section 11.