



The Mizoram Gazette

EXTRA ORDINARY

Published by Authority

RNI No. 27009/1973

Postal Regn. No. NE-313(MZ) 2006-2008

Re. 1/- per page

VOL - XL Aizawl, Wednesday 23.3.2011 Chaitra 2, S.E. 1932, Issue No. 131

NOTIFICATION

No.H.11018/8/2010-REV, the 21st March, 2011. In exercise of powers conferred by section 55 of the Land Acquisition Act, 1894 (Central Act I of 1894), the State Government of Mizoram hereby makes the following Rules, namely "The Mizoram Land Acquisition Rules, 2010".

The Rules shall come into force from the date of publication in the Mizoram Gazette.

R.L. Rinawma,
Commissioner/Secretary to the Govt.of Mizoram,
Revenue Department.

THE MIZORAM LAND ACQUISITION RULES, 2010

In exercise of the powers conferred by Section 55 of the Land Acquisition Act, 1894 (Central Act I of 1894), the State Government of Mizoram hereby makes the following Rules, namely-

1. Short title and Commencement -

- (1) These rules may be called the Mizoram Land Acquisition Rules, 2010.
- (2) They shall come in to force from the date of their publication in the Mizoram Gazette.

2. Definitions- In these rules, unless the context otherwise requires,-

- (a) 'Act' means the Land Acquisition Act, 1894(Central Act no.1 of 1894) as amended from time to time;
- (b) 'Department' means a Department of the Government of Mizoram;
- (c) 'Deputy Commissioner' means a Collector and any other officer functioning as Collector under the Act;
- (d) 'Form' means the forms appended to these rules;
- (e) 'Government' means the State Government;
- (f) 'Section' means a Section of the Act.

3. Submission of the proposal for acquisition –

- (1) Every authority or department under the Government requiring any land to be acquired for public purposes shall submit a concise proposal containing the details of preferable location of the land, approximate area, nature of the public purpose etc. to the Deputy Commissioner of the district for the acquisition of such land.
- (2) Whenever the Deputy Commissioner concerned receives any such proposal for acquisition of any land for public purposes, he shall submit a report to the State Government on the following matters alongwith the acquisition proposal-
 - (i) that the land proposed to be acquired is suitable for the purpose;
 - (ii) that the area of the land proposed to be acquired is not excessive;
 - (iii) that the Requiring Development, Authority or Body is in a position to utilize the land expeditiously; and
 - (iv) that in case the land proposed to be acquired happens to be a part of any forest land, the proposal must have clearance from the Environment and Forest Department;
 - (v) that in case the land proposed to be acquired happens to be a high quality agricultural land, the matter will be determined in consultation with the District Agriculture Officer certifying that no alternative suitable site can be found so as to avoid acquisition of that land.
- (3) No notification shall be published by the Government under sub-section (1) of section 4 of the Act, unless it has considered the report submitted under sub-rule (2) above.

4. Issue of Notice -

- (1) Immediately after the publication of the notification under sub-section (1) of section 4 of the Act, the Deputy Commissioner concerned shall, as required by the said sub-section, cause a notice issued stating that the land is needed or likely to be needed for public purpose, specifying the purpose and requiring all persons interested in that land to lodge before the Deputy Commissioner, before the date specified in the notification, a statement in writing of their objections, if any, to the

proposed acquisition of the land or any land in the adjoining area, and published in Mizoram Gazette, in at least two widely circulated local newspapers and also at convenient places in the locality where the land proposed to be acquired is situated and copies thereof affixed in the offices of the Deputy Commissioner of the District, of the Municipal Council, if any, and the Village Council of the Village in which the land is situated.

- (2) A copy of the notice mentioned in sub-rule (1) may also be served individually on every person known or believed to be interested in the land to be acquired.
- (3) Failure of filing any objection within the specified date by any such person shall not entitle him or her to any benefits of acquisition of compulsory nature under the Act, in case such person's land is ultimately acquired.

5. Statement of Objections -

- (1) The Statement of objections shall mention how the objector is interested in the land and set out the grounds of objection.
- (2) Such statement of objections must accompany photocopies of lawful and valid Land Settlement Certificate(s), duly attested by a Gazetted Officer of the Government and an affidavit declaring that the land is free from all encumbrances and stating every details of any building or trees/plants owned by the objectors, and the valuation of the land and the properties fastened onto it, as per the objector's own assessment.
- (3) Such statement of objections must be signed by the objector himself or herself.
- (4) Any mala fide false statement, if so found by the Deputy Commissioner concerned, may disentitle such objector from the benefits of compulsory nature of acquisition of the land under the Act.

6. Hearing of Objections -

- (1) If a statement of objections is filed after the date specified in the notification under Section 4 of the Act, or is filed 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 of the Act, the Deputy Commissioner concerned shall fix a date for hearing the objections and give notice thereof to the objectors as well as to the Land, Revenue and Settlement Department and also to the Department or authority or other body requiring the land. Copies of the objections with all enclosures shall be forwarded to the Land, Revenue and Settlement Department as well as to the requiring Department, authority or body.
- (3) The requiring Department, authority or body may file on or before the date fixed by the Deputy Commissioner concerned, a statement by way of reply or replies to the objections and may also depute a representative well-versed on the facts of the case to attend the hearing.
- (4) On the date fixed for the enquiry or any other date to which the enquiry may be adjourned by the Deputy Commissioner, the Deputy Commissioner shall hear the objector, or his or her advocate or authorized representative, and also the representative, if any, of the requiring Department, authority or body, and record any evidence that may be produced or adduced in support of the objections.

7. Appearance of Persons Interested-

Agents other than duly authorized advocates or legal representatives shall not be allowed to appear on behalf of persons interested in any enquiry under Section 5A of the Act.

8. Deputy Commissioner to report to Government-

On completion of his enquiry, the Deputy Commissioner shall before the expiry of six weeks from the last date for filing objections or before the expiry of two weeks from the date on which he receives the report under sub-section (4) of section 4, whichever is later, submit his report and recommendations as to each objection, whether admissible or inadmissible, for the orders of the Government under sub-section (2) of section 5 of the Act.

9. Consideration of Objections and issue of Final Notification-

On a consideration of the objections and the Deputy Commissioner's report thereon, if the Government decides-

- (a) that the land should be acquired, the Government shall direct the Deputy Commissioner to proceed under section 6 of the Act, and on receipt of the report of the Deputy Commissioner, the Government shall make a declaration under section 6 that the land is needed for a public purpose;
- (b) that all or any land, possession whereof has not been taken should not be acquired, a notification canceling the notification issued under section 4 shall be published by the Government.

10. Notice under Section 9-

- (1) The notice to be issued under Section 9 shall contain full particulars of the lands to be acquired. The Deputy Commissioner shall cause public notice to be given at convenient places calling upon all the persons interested in the land to appear before him either in person or by their authorised agents as mentioned in Rule 7, on a date specified in the notice, such date not being less than fifteen days from the date of service of the notice. The Deputy Commissioner shall also serve similar notices on the occupier or person in possession, if any, of such land and 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 Form A.

11. Manner of Service of notice-

- (1) The notice under Rule 10 shall be published at convenient places in the locality where the land to be acquired is situated and copies thereof shall be affixed-
 - (a) in the office of the Deputy Commissioner or any other officer appointed to perform the functions of the Deputy Commissioner under the Act;
 - (b) in the office of the Chief Executive Officer, Aizawl Municipal Council;
 - (c) in the office of the B.D.O. of the area;
 - (d) in the office of the President, Village Council of the Village in which the land proposed to be acquired is situated.
- (2) Individual notices shall also be served on all persons known or believed to be interested in the land, or entitled to act for persons so interested and who normally reside within the revenue district in which the land is situated.
- (3) The statement under Section 9 shall be in Form B.

12. Furnishing of complete documents to the Government-

While seeking approval of the Government to any draft award under the first Proviso to sub-section (1) of Section 11, the Deputy Commissioner functioning as the Collector under the Act, shall furnish complete documents of claims made by the persons interested in the land to be acquired and also the evidences produced by them and relied on by the Deputy Commissioner.

13. Form of Agreement-

The form of agreement to be executed under sub-section (2) of Section 11 of the Act shall be in Form-C.

14. Furnishing of returns to Registering Officers-

- (1) In respect of lands taken possession of under the Act, the Deputy Commissioner shall furnish a return in form-D to the Registering officer under the Registering Act, 1908, within whose jurisdiction the land(s) taken possession of are situated.
- (2) The Deputy Commissioner shall also report to the said Registering officer every alteration in form of compensation made by him under sub-sections (3) and (4) of Section 31 of the Act and every modification made by a court in the award.
- (3) The said Registering officer shall file the said return and report in the same manner as documents under section 89 of the Registration Act, 1908 are filed.

15. Utilisation of the Acquired Land-

- (1) The acquired land shall be utilized within a period of two years from the date of delivery of possession of the land to the requiring authority.
- (2) If, however, the Government is satisfied that the requiring authority is prevented by reasons beyond its control in so utilizing the land, it may grant, by an order, further time not exceeding one year.
- (3) On expiry of two years and the extended time as granted under sub-rule (2), if the land is found to be still unutilized, the Government shall proceed to resume the land for some other public purpose.

16. Repeal and Savings-

The Land Acquisition (Public Purpose Procedural) Rules, 1964 as framed by the Governor of Assam under Section 55 of the Act and as notified under no. RLA.361/62 dt. 20th July, 1964 and published in the Assam Gazette, Part IIA, dated 22nd July, 1964, and also as continued to apply to the erstwhile Lushai Hills District, stand hereby repealed;

Provided that the said repeal shall not affect-

- (a) the previous operation of any of the provisions of the Rules so repealed or anything duly done or any action taken there under;
- (b) any right, privilege, obligation or liability acquired, accrued or incurred under any of the provisions of the Rules so repealed.

FORM-A
[See Rule 10(2)]

Notice under Section 9(1) and 10 of the Land Acquisition Act, 1894

Whereas, the undermentioned land is about to be taken up for a public purpose, namely..... Under Notification No..... published in the Mizoram Gazette, dated all persons interested in the said land are hereby called upon to attend personally or by agent at (place) on..... (enter a date not less than fifteen days from the date of publication of the notice) at O'clock to put in a statement in writing (signed by themselves or by their agents) showing the nature of their interested in the land, the amounts and particulars of their claims, to compensate in respect of such interests, the basis of which the compensation so claimed is computed, their objections, 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 every other person possessing any interest in the land or any part of it as co-proprietor, sub-proprietor, mortgagee, tenant 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.....

Deputy Commissioner /Collector
_____ District

FORM-B
[See Rule 11(3)]

To

The Deputy Commissioner,
.....
.....

L.A. Case No..... of

Re: Acquisition of land for Statement of claim by
..... of

The claimant states as follows:-

1. That he is the Proprietor/Co-proprietor/Sub-proprietor/Mortgagee/Tenant of the land proposed to be acquired in the above case.
2. That he accepts the area given in the notice.

OR

That the land proposes 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 this claimant would claim Rs per of the land and Rs for the building standing thereon.
4. That he would claim Rs for the crops and trees (if any) standing thereon.
5. That he would claim Rs..... for damage (if any) for severance of the land acquired in the above case from his other land.
6. That he would claim Rs for damage (if any) sustained by him by reason of the acquisition injuriously accepting his other property, namely and Rs for injuriously affecting his income.
7. That he would claim Rs as expenses incidental to the change of residence or place of business.
8. That he would claim Rs as damage (if any) that has resulted from the diminution of the profits of the land between the date of publication of the notification under Section 4(1) and the time of the Deputy Commissioner taking possession.
9. That he would also claim the usual 15% statutory allowance on the above amounts.
10. The basis on which the amounts in Items 3 to 8 are claimed

Note: The following particulars should always be given.-

- A. When the claim is by the owner.
1. Name of the claimant and share.
 2. Name of co-sharers and share.
 3. Abstract of title i.e., whether inherited or purchased and if purchased, when, by whom, on what date and for what amount purchased.
 4. Details of any mortgage or charge on the land.
 5. Rent or profits derived from the land for the past three year. It is well to give this in the form of a statement showing the names of tenants and amounts collected.
 6. Whether competent to alienate land by private sale.
 7. Total amount claimed under separate heads.
 8. Whether the area given in the notice is accepted or not.

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

- B. Claim by tenant holding under a lease or by tenant with occupancy right.
1. Name of claimant and shares.
 2. Name of co-sharer and share.
 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 claimant.
 8. Details of any mortgage or charge on the lease.
 9. Whether competent to alienate the right under the lease.
- C. Claim by mortgagee:
1. Name of claimant.
 2. Amount of mortgage and rate of interest.
Amount remaining unpaid.

FORM-C
[See Rule 13]
Form of Agreement

This agreement made this day of between hereinafter called "the owner" which expression shall unless repugnant with the context or meaning thereof includes his heirs, executors and administrators of the one part and the Governor of Mizoram, hereinafter called "the Government" of the other part. Whereas the owner is absolutely seized and in possession of or otherwise well and sufficiently entitled to the piece or parcel of the land measuring at village.....in..... District.

Whereas the said piece and parcel of land has been notified for acquisition under the provisions of Land Acquisition Act, 1894 as amended from time to time for /and/possession thereof has been taken by Government duly serving notice under the provisions of the said Act, and whereas Section 11 (2) of the Land Acquisition Act, 1894 read with Rule 13 of the Mizoram Land Acquisition Rules, 2010, provides that where the amount of compensation has been determined by agreement between the State Government and the person(s) to be compensated, it shall be paid in accordance with such agreement. And whereas the lawful holder/ owner of the above land has agreed to receive compensation at representing the compensation payable to the owner determined by the Land Acquisition Officer, as required under the said Act and rules and whereas Government has agreed at the request of the owner to pay to the owner a sum of Rs representing the full compensation payable to the owner, which is inclusive of cost of land, structures, trees, other developmental works, the full compensation payable to the owners, which is inclusive of cost of land, structures, trees, other developmental works solatium, interest and items relevant for determination of compensation and the owner agreeing to execute a bond in the manner hereinafter appearing.

Now therefore, in consideration of the sum of Rs paid by the Government to the owner (the receipt of which the owner hereby acknowledges) the owner hereby agrees with the Government as follows.

1. The owner has received the sum of Rs
2. If hereafter it transpire that the owner is not entitled at all or is not exclusively entitled to the entire amount of compensation payable in respect of the said property or if the Government shall be required to pay compensation to any other person, the owner shall on demand, refund to the Government the said sum of Rs Or such lesser sum as may be determined as refundable by him to Government and shall also indemnify the Government against any loss or damage suffered or any cost, charges or expenses incurred by Government by reason of the payment to him.
3. Without prejudice to any other remedies for the enforcement of any refund or indemnity the Government may recover any sum due under this agreement as arrears of land revenue.

In witness whereof of the parties have set their hands the day and year first above written.

Signed by:

On behalf of and under the direction
of the Governor of Mizoram

FORM-D
[See Rule 14(1)]

District			
Owner	Any Other person(s) interested in the land	Survey Number or Municipal Number or the like	Whether wet, dry, garden, vacant site, house (tiled, terraced or mud roofed, etc.)

Village						
Boundaries				Approximate value of land acquired	Sub-Registrar's Office in whose jurisdiction, the land is situated	Remarks
East	West	North	South			

Signature of the Deputy Commissioner/Collector