

GOVERNMENT OF MEGHALAYA
REVENUE DEPARTMENT

No. RDA. 62/86/4

Dated Shillong, the 18th September, '93.

OFFICE MEMORANDUM

It has been a practice hitherto that land acquisition proceedings are initiated by the Revenue Department and notification under Section 4(i) of the Land Acquisition Act issued when a certificate is received from the requiring Department that adequate Budget provision exists in the relevant year's budget towards cost of acquisition.

The Land Acquisition Act was drastically amended in 1984 by the Central Government. The amendment Act of 1984 has resulted amongst others in:

- (i) The setting down of a time limit for the completion of all formalities between the issue of the preliminary notice under Section 4(i) and the issue of the Declaration of intended acquisition under Section 6(I).
- (ii) The Notifications are required to be published in three ways i.e., in the Official Gazette and in two daily newspapers circulating in that locality (of which at least one shall be in a regional language) and the substance of the notification affixed on land marks in the locality.
- (iii) The setting down of a time limit within which the Collector may make his award.
- (iv) Payment of 12% p.a., interest for the period commencing from the date of the notice under Section 4(i) and ending with the date of the Collectors award.

In view of the legal position as brought out above, it was considered necessary to review the current practice in initiating land acquisition proceedings. While reviewing the matter, the following legal provisions and experience of the Department in the past were kept in mind.

- (i) it is with reference to the date of publication of the notification under Section 4(i) that the amount of compensation payable will be determined.
- (ii) non-sanction and non-placement of fund for land compensation at the disposal of the Collectors concerned within a reasonable period before the expiry of one year from the date of publication of the notification under Section 4(i), resulted in the land acquisition proceedings lapsing in many cases.
- (iii) when land acquisition proceedings lapsed unnecessary waste of public money is involved by way of payment of newspapers bills and in the re-casting of the probable cost of land compensation in view of (i) above.

Taking into consideration the above facts, it has been decided that the Revenue Department will hence-forth initiate land acquisition proceedings only after an administrative sanction of the probable cost of acquisition is issued by the Requiring Department after having obtained due clearance from the concerned Department(s) i.e. Planning/Finance Departments.

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The concerned Deputy Commissioner shall, on receipt of land acquisition proposal from any Department, provide the requiring Department with an estimate of the probable cost of acquisition to facilitate the requiring Department to obtain the Administrative sanction.

These instructions are in partial modification of the executive instructions issued in the past in this respect and shall take effect immediately.

Sd/-W.M.S.Pariat

Commissioner & Secretary to the Govt. of Meghalaya, Revenue Department.

Memc No.RDA.62/86/4-A Dated Shillong, the 18th September, 1993. Copy forwarded for information and necessary action to:

1. All Administrative Departments.
2. All Heads of Departments.
3. All Deputy Commissioners and Sub-Divisional Officers.
4. All Chief Executive Members.
5. All Corporations and Autonomous bodies etc., under the Central Government. They are also requested to adhere to the above instructions.
6. Planning/Finance/Law Department consulted U/O.

Receipt of this letter may please be acknowledged.

By order, etc.,

Sd/-

Officer on Special Duty to the Govt. of Meghalaya, Revenue Department.

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(1) It is with reference to the date of publication of the notification under Section 4(1) that the amount of compensation payable will be determined.

(2) non-sanctioned and non-registered land for land acquisition at the disposal of the Collector concerned within a reasonable period before the expiry of one year from the date of publication of the notification under Section 4(1), resulted in the land acquisition proceedings lapsing in accordance with the provisions of Section 4(1) of the Land Acquisition Act, 1954.

(3) when land acquisition proceedings lapse unnecessarily, the waste of public money is involved by way of payment of newspaper bills and in the casting of the proposal for land acquisition in view of (1) above.

It is requested that the Revenue Department will henceforth initiate land acquisition proceedings only after administrative sanction of the requiring Department is obtained. The concerned Department (i.e. Planning/Finance Department)