

Land Acquisition (Rajasthan Amendment) Act, 1987

8 of 1987

[03 April 1987]

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PREAMBLE

An Act further to amend the Land Acquisition Act, 1894 in its application to the State of Rajasthan.

Be it enacted by the Rajasthan State Legislature in the Thirty-eighth Year of the Republic of India as follows: -

1. Pub. in Raj. Govt. Gaz. Ext. Ord., Part. IV-A, dated 4.4.1987

1. Short title, extent and commencement :-

(1) This Act may be called the Land Acquisition (Rajasthan Amendment) Act, 1987.

(2) It shall extend to the whole of the State of Rajasthan.

(3) It shall be deemed to have come into force on 3rd January, 1987.

2. Insertion of new Sec. 56 in the Land Acquisition Act, 1894 :-

After Sec. 55 of the Land Acquisition Act, 1894 (Central Act 1 of 1894), herein-after referred to as the principal Act, the following shall be added, namely: -

"56. Provisions consequential to the extension of this Act to the State of Rajasthan.--

(1) Consequent on this Act having been extended to the State of Rajasthan on the 24th day of September 1984, herein-after referred to as the date of extension, the Rajasthan Land Acquisition Act, 1953 (Rajasthan Act 24 of 1953), hereinafter referred to as the State Act, shall be deemed to have been repealed on the date of extension.

(2) Where in any proceeding under the State Act pending on the date of extension, the State Government, the Collector or the Court has, on or after the said date and before the commencement of the Land Acquisition (Rajasthan Amendment) Act, 1987, done anything, taken any action or made any order which is at variance with that as is provided in this Act, such thing action or order shall, subject to the other provisions of this section be deemed to have been done, taken or made under and in accordance with the provisions of this Act and such proceeding shall not be re-opened or reviewed or liable to be challenged on the ground of not being in accordance with the provisions of this Act.

(3) All things done, actions taken or order made in regard to acquisition of any land for the Union on or after the date of extension and before the commencement of the Land Acquisition (Rajasthan Amendment) Act, 1987 shall be deemed to have been done, taken or made under the direction of the Union.

(4) Where any proceeding pending under the State Act on the date of extension or instituted after the said date, a declaration under Section 6 or an award under Section 11 has been made after any of the respective periods as specified in Section 6 or Section 11-A, as the case may be, has expired, the said period or the periods, as the case may be, shall be deemed to have been extended upto the date of such declaration or award. In a proceeding pending on the

date of commencement of the Land Acquisition (Rajasthan Amendment) Act, 1987, such period or periods shall be deemed to have been extended upto, and the declaration or the award, as the case may be, shall be made within, one year and two year respectively after such commencement.

(5) When the Collector has before taking possession of any land on or after the date of extension and before the commencement of the Land Acquisition (Rajasthan Amendment) Act, 1987 not tendered and paid eighty per centum of the compensation in accordance with sub-section (3-A) of Section 17, such possession shall not be liable to be challenged on that ground in any Court. The Collector shall in such a case tender and pay that amount within three months after such commencement.

(6) Any person convicted and punished under the State Act before the commencement of the Land Acquisition (Rajasthan Amendment) Act, 1987 shall not be liable to enhanced punishment as provided in Section 46.

(7) Notwithstanding anything otherwise contained in clause first of sub-section (1) of Section 23, in determining the amount of compensation to be awarded in a proceeding pending on the date of extension, the market value of the land at the date of the publication of the order under Section 4 of the State Act shall be taken into consideration.

(8) In a proceeding where the amount of compensation has been determined before the commencement of the Land Acquisition (Rajasthan Amendment) Act, 1987, whether by the Collector or by the Court, the amounts in addition to the market value of the land as specified in sub-section (1-A) and sub-section (2) of Section 23 shall be further paid after adjustment of any sum paid earlier under the said sub-sections, by the Collector to the persons to whom compensation was payable or paid. These amounts shall be payable in every proceeding and in regard to every award as specified in sub-sections (1) and (2) of Section 30 of the Land Acquisition Amendment Act, 1984 (68 of 1984).

(9) Where, in the cases as specified in sub-sections (2) and (3) of Section 30 of the Land Acquisition (Amendment) Act, 1984 (68 of 1984) interest is payable or has been paid under Section 28 or Section 34, the amount of such interest shall be re-determined and paid after adjustment of any sum paid earlier under the said sections by the Collector at the respective rates specified in and in accordance with the provisions of the said Sections as amended by the said Act.

(10) In a matter where award has been made after the date of extension and section 28-A is applicable, an application under the said Section, if not made earlier, may be made within three months from the commencement of the Land Acquisition (Rajasthan Amendment) Act, 1987.

(11) Notwithstanding the coming into force of the Land Acquisition (Amendment) Act, 1984 (68 of 1984), the first proviso to sub-section (1) of Section 11 shall become applicable in the State of Rajasthan on the commencement of the Land Acquisition (Rajasthan Amendment) Act, 1987."

3. Repeal and Savings :-

(1) The Land Acquisition (Rajasthan Amendment) Ordinance, 1986 (Ordinance No. 3 of 1987) is hereby repealed.

(2) Notwithstanding such repeal all things done, action taken or orders made under the principal Act as amended by the said Ordinance shall be deemed to have been done, taken or made under the principal Act as amended by this Act.