



حکومت جموں و کشمیر

DIVISIONAL COMMISSIONER, KASHMIR

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Subject: ***Submission of Land Acquisition Cases to this office for accord for declaration under section 6, orders under section 7 and authorization of invoking section 17 under Land Acquisition Act Samvat, 1990 as well as seeking approval of rates with respect to Tentative Award and under Private Negotiation.***

CIRCULAR

It has been noted with regret that while processing cases for Land Acquisition under compulsory and PNC mode of acquisition, the procedure laid down in the prescribed laws/rules are not being followed in letter and spirit by the Collectors/Deputy Commissioners. Incomplete proposals are being sent without fulfilling requisite formalities as a result majority of such cases are returned by the Administrative Department as well as by this office which causes unnecessary delay and results in lot of inconvenience to the land owners as well as requisitioning agencies. Further at times the acquisition proceedings get time barred and create many more problems for the indenting departments and as such developmental work suffer.

In order to avoid all such discrepancies in future, it has been felt necessary to remind all concerned to follow the statutory laws/rules strictly while dealing with land acquisition cases. The **check list** in this regard are being circulated for assistance of the Collectors/Deputy Commissioners which needs to

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be taken into consideration while submitting cases to the higher offices/authorities for approval of rates/issuance of declarations/notifications etc.

It has also been noted that in few private negotiation cases the Deputy Commissioners/Collectors make part payment to the land owners in anticipation of approval of rates from the competent authority which is not warranted by laws/rules. All Collectors are directed to refrain from such action.

kying
07/03/2017
Additional Commissioner
Kashmir

No.DivCom/LAS-*Acq/3052/2577*

Dated: 08-03-2017

Copy to the:-

- 1 Financial Commissioner, Revenue, J&K Jammu for information.
- 2 All Deputy Commissioners for information and immediate necessary action.
- 3 Collector, Land Acquisition, (ADC/SDM/ACR) _____ for information and immediate necessary action.

Enclt (3 Check lists)

Check list for cases regarding transfer of State land to the different departments

- Copy of indent placed by the HOD of the Indenting department.
- Shajra/Khasra duly attested by Tehsildar with seal and signature and authenticated by Indenting Department viz. Jamabandi, Girdwari, ROR, Khasra Paimiash with note indicating Amaldramad of all relevant mutations.
- Value of the proposed land as per Stamp duty rates and market value.
- A certificate to the effect that proposed land is free from all encumbrances by the District Collector.
- A certificate to the effect that land has not been earmarked for any other project or use.
- No objection certificate of the Home Department in case the indenting department is non state subject.
- No Kahcharie land shall be recommended as there is a binding imposed by the Hon'ble Supreme Court for which circular instructions stands already issued and eviction policy framed by the Government.
- Lease cases shall be prepared strictly in accordance with the Land Grants Act and Rules.
- NOC of the concerned Legislature be obtained.
- Consent of local Zamindars
- All such cases should be recommended by the Deputy Commissioner himself.

Check list for compulsory land acquisition cases

- Copy of indent placed by the HOD of the Indenting department.
- Shajra/Khasra duly attested by Tehsildar with seal and signature and authenticated by Indenting Department viz. Jamabandi, Girdwari, ROR, Khasra Paimiash with note indicating Amaldramad of all relevant mutations.
- A certificate with regard to availability of funds for acquisition with the Collector/Indenting Department and non-acquisition certificate of the indenting department/Collector.
- A certificate from Indenting Department that the land has not been requisitioned for earlier. Also a certificate from the concerned Collector that no disbursement has been made for the acquisition of land in question previously.
- Copy of notification under sub section 1 of Section 4 of Land Acquisition Act.
- Copy of objections received/disposed off in response to section 4(1).
- Copy of declaration/authorization under section 6 and 7 of the Land Acquisition Act.
- No objection certificate of the Home Department in case the indenting department is non state subject.
- A certificate to the effect that land under acquisition is free from all encumbrances by the Collector.
- Copy of notification under section 9 & 9A of the Land Acquisition Act with disposal of objections thereof.
- Assessment of land. Rates shall be proposed as per kind of soil notified, as per stamp duty rates in respect of compulsory mode of acquisition.
- Assessment of structures/trees by the competent authority duly countersigned by the Collector.
- Draft tentative award alongwith apportionment statement with full particulars of land, structures and trees.

Check list for PNC mode of land acquisition cases

- Copy of indent placed by the HOD of the Indenting department.
- Shajra/Khasra duly attested by Tehsildar with seal and signature and authenticated by Indenting Department viz. Jamabandi, Girdwari, ROR, Khasra Paimiash with note indicating Amaldramad of all relevant mutations.
- A certificate with regard to availability of funds for acquisition with the Collector/Indenting Department and non-acquisition certificate of the indenting department/Collector.
- A certificate from Indenting Department that the land has not been requisitioned for earlier. Also a certificate from the concerned Collector that no disbursement has been made for the acquisition of land in question previously.
- Copy of notification under sub section 1 of Section 4 of Land Acquisition Act.
- Copy of objections received/disposed off in response to section 4(1).
- No objection certificate of the Home Department in case the indenting department is non state subject.
- A certificate to the effect that land under acquisition is free from all encumbrances by the Collector.
- Assessment of land. The PNC rates shall be nearer to Stamp duty rates and market value and consent of Indenting Department is pre-requisite.
- Assessment of structures/trees by the competent authority duly countersigned by the Collector.
- Minutes of the PNC meeting duly signed by the all members as indicated in Rule 20 of J&K Land Acquisition Rules.
- No advance payment in any case be made without seeking approval from the competent authority.