

Land Acquisition
Obtaining of possession before
completion of the proceedings.

Government of Maharashtra,
- Revenue Department,
Circular No. LQN-5961/109220-H.
Sachivalaya, Bombay, 20th August 1963.

CIRCULAR OF GOVERNMENT.

Paragraph 21 of the Land Acquisition Manual deals with the question of entry upon land in anticipation of the completion of acquisition proceedings and indicates the various difficulties likely to be encountered while doing so. While advising against haste in entering upon land the paragraph lays down the procedure for the purpose of such entry and directs that such an extra-ordinary step should be taken only in special cases.

2. The question whether the instructions contained in paragraph 21 of the Land Acquisition Manual regarding entry of land in anticipation of the completion of acquisition proceedings are equally applicable in all cases of acquisition irrespective of the purpose of acquisition (i.e. a public purpose or for a company) was under the consideration of Government for some time past. After careful examination of the whole matter, Government considers that so long as the tests laid down in that paragraph viz: (1) urgency of the matter and (2) satisfaction of the Land Acquisition Officer about the titles of the persons who claim to be the owners of the land, are satisfied and the precautions laid down therein are taken, there should be no objection to apply these instructions in all cases no matter whether the acquisition is for a public purpose or for a company, with a view to amplifying these instructions Government is pleased to direct:-

-(i)-that for the first sentence of paragraph 21 of the Land Acquisition Manual, the following sentence should be ~~substituted~~ substituted:-

-"It is a common practice that land is entered upon in haste in anticipation of the completion of acquisition proceedings".

(ii) that for the words "Prant Officer" occurring in this paragraph the words "Land Acquisition Officers" should be substituted:

(iii) that the possession in all such cases should be taken only after the issue of the notification under section 6 of the Land Acquisition Act and with the previous sanction of the Commissioner of the Division;

(iv) the appended form of agreement should be used when the Acquiring Body is a non-Government body.

4. The Settlement Commissioner and Director of Land Records should be requested to forward to Government for approval a draft correction slip to the Manual of Land Acquisition.

By order and in the name of the Governor of Maharashtra,

R.T. AILKAR

Assistant Secretary to Government.

N. L.R. 872 of 1963
Poona, 6-9-1963.

Copy forwarded for information and guidance to the Dy. D.L.R. Nagpur, all S.I. Re. & C.O.s. with spare copies for subordinate offices. Copies to B.R. Con and L.R. III compilations. Copy to G.R. file.

PMA/4.9.63.

For Settlement Commissioner
& Director of Land Records.

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R.T. WALKARNI
Assistant Secretary to Government.

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R.T. MARKANT

Assistant Secretary to Government.

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For Settlement Commissioner
& Director of Land Records.

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No. D.S.O. 73 of 1963-

Boana: - 9-1963

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S.L.R.P.C.
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