

LAND ACQUISITION

THE PROCESS

APPLICATION - PRE ACQUISITION

Application to be made in writing to Land Administrator ("LA") enclosing (i) project proposal, (ii) acquisition layout & plan, (iii) valuation report, (iv) prescribed fee & deposit for consideration of State Economic Planning Unit. Once approved by State Authority, Applicant to communicate acceptance within 30 days of notification.

COMMENCEMENT OF PROCEEDINGS BY LA

(i) LA to issue public notice to occupier / registered owner / any person having interest on acquired land on date of hearing of claims to compensation, (ii) LA to inquire value of land, interest of person claiming compensation & assess compensation amount, (iii) LA to issue separate award on compensation sum & serve on all interested persons, (iv) LA to pay compensation, as soon as may be, upon all interested persons.

POST-ACQUISITION

(i) Any interested person who hasn't accepted award may object to measurement of land / compensation amount / persons to whom compensation is payable / apportionment of compensation, (ii) Court shall appoint 2 assessors to aid in determining reasonable amount of compensation & decision of the Court shall be the amount decided by 2 assessors.

MATTERS NEGLECTED IN DETERMINING COMPENSATION

(i) Degree of urgency leading to acquisition, (ii) disinclination of interested persons to land, (iii) damage to interested persons if, caused by private person, will not give rise to a cause of action, (iv) depreciation / increase in value of land from use to which it will be put when acquired, (v) outlay on additions / improvements to acquired land after date of publication.

ACQUISITION STAGE

(i) Notice to be published in *gazette* & LA to give public notice, (ii) officers may enter upon land specified in notice to carry out any work authorised by State Director, (iii) LA to prepare plan & list of lands to be acquired, (iv) declaration to be published in *gazette* that land required for public purpose, (v) LA to mark area of acquisition & notice to be entered onto register document of title.

TAKING POSSESSION OF LAND

(i) LA may take possession of land upon service of notice of award on occupier, (ii) in case of urgency, State Director may, after 15 days of giving public notice, issue certificate of urgency for LA to take possession of land, (iii) LA takes formal possession upon serving notice on occupier / by posting thereon, (iv) LA shall make a memorial in the register document of title that whole land has been acquired & vested in the state authority.

MATTERS CONSIDERED IN DETERMINING COMPENSATION

(i) Market value of land as at date of *gazette*, (ii) any increase in the value of other land of interested person likely to accrue from the use to which acquired land will be put, (iii) damage due to severing of acquired land from remaining retained land, (iii) damage injuriously affecting other property, movable or immovable, (iv) reasonable expenses for having to change residence / place of business, (v) clear undertaking by state authority / government for construction / erection of facilities benefiting any part of unacquired land.



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