Government of Jammu & Kashmir
Office of the Financial Commissioner (Revenue) J&K
J&K- Rail Head Complex Jammu, 180001 ***[Nov-April]*** */Amar Niwas,Tankipora Srinagar, 190001* ***[May-Oct]***
Phone No. ***[Srinagar]*** *0194-2459372, Fax-0191-2473838* ***[Jammu]*** *-0191-247021, Fax -0191-2471221*
www.jkfcr.nic.in *E-mail* address-jkfinancialcr@gmail.com

Subject:- Procedure for submission of Land Acquisition cases.

CIRCULAR

It has come to the notice of this office that some Land Acquisition Collectorates do not follow the prescribed procedure while processing cases for acquisition of land for public purpose under the provisions of J&K State Land Acquisition Act 1933-AD and Rules made thereunder which causes un-necessary delay in finalization of cases. There is an urgent need for standardization and ensuring the documentation/preparation of these cases and to complete the process of acquisition in a time bound manner.

All the Collectors of Land Acquisition are also advised to give due attention and care to the following provisions of the Land Acquisition Act 1933-AD and Rules for expeditious disposal of the land acquisition cases and to minimize the chances of litigation later:-

1. The objections received in response to notification under section 4(1) of the Land Acquisition Act are to be heard by the Collector giving an opportunity of being heard to the objectors/interested persons/land owners as per section 5-A (1) of the Land Acquisition Act. Section 5-A(2) lays down that a every objection under sub section (1) shall be made to the Collector in writing, and the Collector shall give the objector an opportunity of being heard either in person [or by pleader or by person authorized by him] and shall, after hearing all such objections and after making such further inquiry, if any, as he thinks necessary, submit the case for the decision of the Government , together with the record of the proceedings held by him and a report containing his recommendations on the objections. The decision of the Government on the objections shall be final. It is re-iterated that the decision on the objections made by the interested persons is to be taken by the Govt. and not the Collector Land Acquisition.

2. The measurements made as per notification under section 4(1) should fully and completely tally with revenue papers i.e khasra paimiash, field book, tatima sheet, alongwith the case.

3. The land acquisition under private negotiation mode should be strictly in terms of rule 19 to 26 of part-C of land acquisition rules which is regarding procedure to be followed in cases settled through private negotiation mode. The committee while conducting the negotiation has to obtain, in each case from the vendor, a complete abstract of the title extending over the full period of limitation supported by the documents of title on which the vendor relies and purchase money is

paid to the vendor subject to the compliance of following two requirements:-

a. The vendor handing over the possession of the land sold and all former title deeds relating to it; and
b. Executing and causing to be registered and delivered to the Deputy Commissioner concerned a valid deed of sale, on proper stamp, in the form supplied by the committee at the time, and that, on the vendor's complying with these requirements, the purchase money will be paid to him.

In pursuance of the said rules, each case is to be dealt with on individual basis and only that individual case with respect to which the assessment of the compensation exceeds pecuniary jurisdiction as prescribed from time to time is to be sent to the next higher authorities having such jurisdiction.

4. The Collector shall determine the amount of compensation to be awarded for land acquired under the Land Acquisition Act as per the provisions of section 23 (1) and (2) of the Land Acquisition Act on the basis of the market value of the land on the date of publication of the declaration under section 6 and considering the damages sustained by the land owners on account of standing crops, trees, severing of land from other land, injury to his other movable/immovable property or earnings, change of residence, diminution of the profits between section 6 notification and taking of possession, besides 15% jabrana on such market value in consideration of the compulsory nature of the acquisition..

All the concerned are advised to adhere to these circular/ instructions in letter and spirit.

Sd/-
(Dr. Pawan Kotwal), IAS
Financial Commissioner (Revenue),
J&K, Jammu

NO:- FC-LS/Misc-3744-II/2016 Dated:-03-01-2019

Copy to the:-

1. Commissioner/Secretary to Govt. Revenue Department, J&K, Jammu.
2. Divisional Commissioner, Jammu/Kashmir for information and follow up.
3. All District Collectors for implementation.
4. In-charge website of this office for uploading the Circular.
5. Concerned file/Circular file.

(Surat Singh), KAS
Addl. Commissioner (Central)