

STANDING INSTRUCTIONS

AND GUIDELINES FOR

LAND ACQUISITION MATTERS

LAND & BUILDING DEPARTMENT

GOVT. OF N.C.T. OF DELHI

**LAND & BUILDING DEPARTMENT
GOVT. OF N.C.T. OF DELHI
'B' BLOCK, VIKAS BHAWAN,
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File No. F.1/26/88/L&B/WC/

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STANDING INSTRUCTION

In partial modification and additions in the Standing Instruction issued on 28.7.2005, following instructions are hereby issued to the agencies/departments involved in the proceedings for acquisition of land in Delhi under the Land Acquisition Act, 1984 for the Plan Development of Delhi and for the non-plan purposes. These instructions have been arrived after deliberation in the various High Power Meetings involving Pr. Secretary (L&B), VC, DDA, Divisional Commissioner, NCT of Delhi and other senior officers, to streamline the acquisition proceedings and the action required to be taken in a time bound manner to avoid any harassment to land owners regarding payment of compensation etc. Herein, a time frame has been fixed to complete the acquisition proceedings. These Instructions shall be followed by different agencies involved in the acquisition proceedings:

1. Acquisition Proceedings

The Land & Building Department issues notification on the basis of requisitions received from the DDA and other Government Departments/Government Undertakings of Government of Delhi. For administrative convenience, the notification issued for DDA is known as "plan acquisition" and for other departments, it is known as "non-plan acquisition". To streamline the acquisition process, the following steps would be taken by the DDA/indenting Deptt., Land & Building Department/LACs:

- (a) The Indenting Department will submit the indent to acquire a particular piece of land to the Land & Building Department with complete details like Khasra No., Area of Land, Revenue Records and Map of the land proposed to be invited.
- (b) On receipt of the indent is completed, the Land & Building Department

will send the indent to the LAC concerned within 15 days for conducting joint survey and preparation of draft notification.

- (c) **The joint survey shall be conducted, by the Naib Tehsildar/Tehsildar of the LAC concerned, Tehsildar/Superintendent (LA) and other staff of L&B Department and Deputy Director/Asstt. Director of DDA and officer of the same level of other requisitioning department. The survey shall be conducted in time bound manner. While conducting the joint survey, the team will prepare complete details about the status of the land clearly indicating the built up areas, Government Buildings, Hospitals, Cremation Grounds, Kabristan, Temples, Evacuee Property, land allotted under 20 Point Programme and Lal Dora/Extended Lal Dora and clearly show them in map so that there is no difficulty at the time of issuance of notification u/s 4 of L.A. Act and their exclusion from the notification, if any. The reasons must be recorded in writing for suggesting leaving out any land from proposed acquisition. At the time of joint survey, the videography/still photography of the proposed land shall also be conducted.**
- (d) **After preparation of detail of joint survey, the LAC will prepare draft notification u/s 4 of LA Act within 30 days and submit to the Land & Building Department through Divisional Commissioner, NCT of Delhi along with revenue records, joint survey report, field book and map of the land proposed to be notified.**
- (e) **As soon as the draft notification and other records are received from LAC, the Land & Building Department will scrutinize them and prepare a proposal for issuance of notification U/S 4 of LA Act and thereafter the file will be submitted to the Hon'ble Lt. Governor for obtaining his approval for issuance of requisite notification.**
- (f) **After obtaining approval of Hon'ble Lt. Governor, the notification will be issued and the same will also be got published in two leading newspapers one in English and one in Hindi for the information of general public as per the provisions of LA Act and also to invite objections u/s 5A within 30 days. The notification will also be got published in the official gazette as provided under law. A copy of the notification shall also be send to the LAC concerned for land publication. The LAC upon receipt of the notification shall immediately cause the notification published locally and obtain the report thereof.**

- (g) After publication of Section 4 notification in the newspapers, the land owners/interested persons are supposed to file their objections within 30 days in the office of the LAC.**
- (h) As soon as the objections have been received, the LAC shall give notices to the objector(s) fixing date & time for hearing of the objections.**
- (i) On the date and tune so fixed, the LAC will hear their objections and render his detailed report with-regard to the acceptance or rejection of the objection. The LAC will also maintain a proper record of the proceedings of the 5A hearings and he will keep a copy of report for production as & when required in the Court.**
- (j) It is noticed that sometimes there is delay in the disposal of 5A objections by the LACs, as a result of which, declaration u/s 6 has to be rushed through to avoid lapsing of notification u/s 4 of LA Act. As such, the LACs in order to avoid such things, should complete the hearing of objections in a time bound manner and after completion of hearing of 5A objections, prepare a summary of objections in a report form and submit the same alongwith recommendations to the Land & Building Department, through Divisional Commissioner, NCT of Delhi so that action could be taken to issue declaration u/s 6 within time. A copy of the entire proceedings including objections received from the objectors should be retained by the LACs for their record and production in the court as & when required.**
- (k) After receiving the report/recommendations on 5A hearing from the LAC, the Land & Building Department will submit a proposal to the Hon'ble Lt. Governor for obtaining his approval before the issuance of declaration u/s 6 of LA Act. Needless to say that all these exercise should be completed within one year from the date of issue of Section 4 notification.**
- (l) After obtaining approval of Hon'ble Lt. Governor, the declaration U/S 6 should be issued and it should also be got published in the newspapers and in official gazette as per provision of LA Act.**
- (m) As regards, issue of invoking urgency clause u/s 17 of LA Act, it will be used sparingly when the land is urgently required for urgent and time bound projects like MRTS, construction of roads, flyovers, underground**

water reservoir and transformers etc. For other projects, the invocation of urgency clause may be avoided. The courts have constantly taken a view that there are cases in. which the urgency clause was invoked yet the land could not be utilized for almost 10 20 years and thus the very purpose of invoking urgency clause for acquiring land was got defeated. The LACs shall take possession of the land only when the 80% of the compensation amount is received by him from the DDA/Requisitioning Agency.

2. Announcement of Award:

- (i) After issuance of Notification V/S 6 of Land Acquisition Act, the LAC shall cause publication of notice/issue notice u/s 9 as per provisions of the Land Acquisition Act before taking action u/s 11 of the Act.**
- (ii) As per provisions of Section 11 of LA Act, the Collector shall announce the award within a period of 2 years from the date of issue of declaration u/s 6 of LA Act.**
- (iii) While determining the award, the Collector shall follow the provisions of section 23 of LA Act and also instructions issued by the Government from time to time and guideline issued by the Hon'ble Courts from time to time.**
- (iv) While determining the compensation, the LACs should get the valuation of the structures done from P.W.D. as well as the cost of plants & trees etc. from the Horticulture Department and include in the main award to avoid announcement of the supplementary award.**
- (v) The Land Acquisition Collector should get the valuation estimate of the superstructures from the PWD after going through the provision of various Acts applicable in Delhi and guidelines issued from time to time. The agriculture land in Delhi is governed under the provision of Delhi Land Reforms Act and this land cannot be used for any other purpose without prior permission of the competent authority. Besides this, there is a building bye laws 1983 framed by MCD to regulate the construction activities in the urbanized as well as in green belt in Delhi. The LAC has to make distinction between the authorized built up structures and illegal constructions raised by the land owners. They should get the valuation estimate of only the authorized built up**

structures approved from MCD or DDA as the case may be. In this context, section 24 of the LA Act should be considered before referring the matter of valuation estimate to PWD. The sub section 8 of section 24 and building Bye-laws framed by MCD/NDMC are on the same direction and it may not be ignored by the LAC.

3. Taking-over possession of notified land:

- (i) As soon as the award is announced, the Land Acquisition Collector shall compulsorily issue notice to the interested persons U/S 12 of the L.A. Act and the service of notice shall be kept in record and shall also submit a demand of the compensation amount to the Land & Building Department with a copy to the DDA/intending agency within 30 days of the announcement of the award. The Land & Building Department shall forward the demand to the DDA within 7 days. DDA/other agency will release the payment to L&B Deptt. within 30 days after receipt of the communication from the L&B Department/LAC as the case may be. As soon as the money is received by the LAC, notice U/S 12(2) shall be issued. The LAC will takeover the possession of the land and handover the same to the DDA/indenting department. The Land Acquisition Collector shall not take possession of the acquired land unless & until the compensation amount is received by him from the indenting department.
- (ii) It has been noticed that in a large number of cases, the LACs have not taken over the possession of the notified land as possession could not be taken by the DDA due to the fact that the land is heavily built up and in some cases, some unauthorized colonies have come up which are under consideration of Govt. of India for regularization. In all such cases, the LACs shall prepare a separate list village wise and shall be submitted to competent authority for taking a policy decision.

4. Payment of Compensation/Enhanced Compensation:

On receipt of the amount of compensation from DDA/Requisitioning Agency and on taking the possession of the land, the Land Acquisition Collector shall send a reference/letter within 15 days to the interested persons for collecting the payment of compensation. The Land Acquisition Collector will make the payment of the compensation within 60 days to the land owner. In case of any dispute, the Land Acquisition

Collector will refer the matter to the ADJ Court U/S 30 immediately after expiry of the 60 days. If interested person is not coming forward for taking compensation amount and payment cannot be made within 60 days then compensation amount should be deposited in the court U/S 31 within next 15 days.

5. Payment of Enhanced Compensation:

- (i) If the Legal Cell gives an opinion that there is no need to file the RFA against the enhancement given by the ADJ then the LACs will send the demand of the enhanced compensation amount within 30 days to the Land & Building Department/the Requisitioning Department. The DDA/Requisitioning Department shall release the amount to the Land & Building Department within 30 days of receipt of the communication from L&B Department/LAC. Along with demand, a copy of the legal opinion of L&B Department will invariably be sent to the DDA/Requisitioning Agency.**
- (ii) As soon as the enhanced compensation amount is received by the LACs from Land & Building Department/Requisitioning Department, they will immediately disburse the same to the interested persons as per schedule mentioned in para-4 of these instructions.**
- (iii) The LAC shall submit the Utilization Certificate, in respect of payment of original compensation as well as compensation to the Accounts Officer of Land & Building Department within 15 days of the disbursement of the amount.**
- (iv) If the Legal Cell advises to file the RFA against the order of the designated Court then the LACs would immediately engage a counsel and file the RFA in the High Court within the limitation period and supply all the necessary documents to the government counsel for proper defence of the case.**
- (v) The same procedure will be followed if the Legal Cell advises the LACs to file SLP against the order of the High Court in RFA.**
- (vi) In the case of enhanced compensation where appeal has been filed but the Appellate Court has not granted stay, the requisitioning department shall take expeditious necessary action in such cases so that advance order in execution cases may be avoided.**

6. Emergent Payment of Compensation etc.

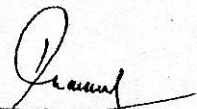
The Delhi Development Authority shall release Rs. 1 crore for each LAC and after the receipt of the said amount LACs will deposit the same in the Revolving Fund to make payments of compensation etc. in emergent cases and inform the DDA within a week of the demand and request the DDA to reequip the Revolving Fund of Rs. 1 crore.

7. Filing of reference cases in the Designated Court & RFA in the High Court and their monitoring by the LACs

After announcement of award, reference/request, if any, filed by the land owner for enhancement of the compensation, the LAC will get such request/reference properly recorded in a register to be maintained on day to day basis and such request should be forwarded to the ADJ Court within 60 days from the date for filing of the reference. A copy of the references may be sent to the Legal Advisor, Legal Cell, Tis Hazari Court to enable him to assign these cases to the government counsel for their defence and monitoring on day to day basis. The LACs will provide all the documents including copy of Sale Deeds after procuring the same from the Sub Registrar office to the Government Counsel to defend the case properly in the court of ADJ. As soon as the Designated Court passes the order in reference cases, certified copy of the same will be procured immediately by the Government counsel and supplied to LACs and Legal Cell, Tis Hazari. Thereafter, the Legal Cell will examine the same and give its opinion whether the RFA has to be filed or not against the order of Designated Court. If it is advised to file RFA the Legal Cell will furnish the opinion to the LAC concerned who will in turn engage a government counsel and get the RFA filed within the limitation period in the High Court. A copy of the legal opinion of L&B Department will invariably be sent to the DDA/Requisitioning Agency. The LACs will appoint Naib Tehsildar as Parvi Officer who will attend the court, produce the record and to monitor the progress of reference cases and RFAs in the Lower Court and High Court and SLPs in the Supreme Court.

8. A Committee of the following officers will be constituted for monitoring the land acquisition proceedings and this committee will conduct the meetings on monthly basis:

1. **Additional Secretary, Land & Building Department, GNCTD**
 2. **Concerned Land Acquisition Collector**
 3. **Director (Land Management), DDA**
9. **A senior level High Power Committee headed by Pr. Secretary (L&B), VC DDA/Commissioner (LM), Divisional Commissioner, NCT of Delhi will meet once in two month to discuss the important acquisition. The above instructions are issued with the directions that it should be strictly followed by the all concerned.**


(T.C. NAKH)
ADDL. SECRETARY (L&B)
GOVT. OF NCT OF DELHI