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ASSAM ACT XXIII OF 1953

THE ASSAM LAND ACQUISITION (DIBRUGARH)
ACT, 1953

(Passed by the Assembly)

(Received the assent of the President on the 17th July 1953)

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An

Act

*to provide for the speedy acquisition of land along the river
Brahmaputra in the Dibrugarh Subdivision for construction
of suitable works along the river.*

Preamble.

WHEREAS the action of the river Brahmaputra renders it necessary to protect the Dibrugarh Subdivision of Assam from floods and soil erosion by constructing suitable works along the river ;

And whereas for the said purpose it is essential that provision should be made for the speedy acquisition of land in the said Subdivision ;

It is hereby enacted as follows :—

Short title,
extent and
commence-
ment.

1. (1) This Act may be called the Assam Land Acquisition (Dibrugarh) Act, 1953.

(2) It extends to the Dibrugarh Subdivision of the Lakhimpur District.

(3) It shall come into force at once.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(1) "Court", "Land" and "person interested" have the meanings respectively assigned to them in the Land Acquisition Act, 1894. Act I of 1894.

(2) "Collector" means the Deputy Commissioner, Lakhimpur or any other officer authorised to carry out the functions of the said Deputy Commissioner for the purpose of this Act by the State Government.

Power to
acquire
land.

3. If, in the opinion of the State Government, it is necessary or expedient to acquire speedily any land in the Dibrugarh Subdivision for the purpose of constructing any works along the river Brahmaputra for preventing floods or soil erosion in that Subdivision, a notification to that effect shall be published by the State Government in the Official Gazette stating the area and the boundaries of the land proposed to be acquired and the date on which such acquisition will be made.

Service on
owner or
occupier
affected by
notice of
acquisition.

4. As soon as may be after the publication of the notification under section 3, the Collector shall cause to be served in such manner as may be prescribed on the owner of the land and also on the occupier in cases where the owner is not in occupation of the land, a notice to the same effect and stating that claims to compensation for all interests in the land may be made to him within such time as may be prescribed :

[Price 1 anna or 1d.]

Provided that where the person to be so served is not readily traceable or the ownership of the land is in dispute, the Collector shall cause the notice under this section to be published in such other manner as may be prescribed.

Vesting and
taking pos-
session of
the land.

5. (1) When a notice of acquisition is served or is published under section 4, the land shall vest absolutely in the State Government free from all encumbrances on the date the notice is so served or published.

(2) The Collector may, at any time after the land becomes so vested, proceed to take possession thereof.

Com-
pensation.

6. The owner of the land which has vested in the Government under section 5 (1) shall get compensation at the following rate :—

(1) for land excluding building or structure, if any, a sum not exceeding twenty times the annual land revenue. In determining this sum the Collector shall take the following into consideration :—

(a) the value of the land as at the date of acquisition ;

(b) the likelihood of soil erosion taking place in the land (and thereby affecting its value) ;

(c) the damage sustained by the person interested by reason of the taking of any standing crops or trees which may be on the land at the time of the Collector taking possession thereof ;

(2) for building or structure, if any, a sum equivalent to the sale-proceeds of the materials of the same plus 15 per cent. thereof :

Provided that if in lieu of this compensation the owner chooses to take away the materials the Collector shall allow him to do so within such time as specified by him.

Award

7. Whenever in pursuance of this Act, any land is acquired the Collector shall make an award under his hand of—

(i) the area of the land,

(ii) the compensation which in his opinion should be allowed for the land,

(iii) the apportionment of the said compensation among all the persons known or believed to be interested in the land of whom or of whose claims he has information.

Appeals

8. Any person aggrieved by an award made by the Collector may apply to the Collector within seven days of the making of the award requiring the Collector to refer the matter to the Court, and the Collector shall thereupon prepare a brief statement of the case and refer the matter to the decision of the Court.

Collec-
tor may en-
force order,

9. If the Collector is opposed or impeded in taking possession under this Act of any land, he may use or cause to be used such force as may be necessary to evict any person from the land.

Penal-
ties.

10. Whoever obstructs any person from lawfully taking possession of any land under this Act shall be punishable with imprisonment for a term which may extend to one year or with fine which may extend to two thousand rupees or with both.

Protec-
tion of ac-
tion taken
in good
faith.

11. No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done in pursuance of any of the provisions of this Act or any order made thereunder.

Bar to
jurisdic-
tion.

12. Except as otherwise expressly provided in this Act, no Court shall have jurisdiction to question the legality of any action taken or order made under this Act.

Power
to make
rules.

13. (1) The State Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :—

- (a) the manner in which any notice or order under this Act may be served on the person interested or published ;
- (b) the manner in which the Collector shall exercise any of his powers under this Act ;
- (c) the procedure for the making of any reference to the Court ;
- (d) the procedure for sale or disposal of materials of building or structure on land.

14. Any sum payable to the Government under the provisions of this Act may be realised as an arrear of land revenue.