

Government of Jammu and Kashmir
Revenue Department
Civil Secretariat, Jammu

Subject: Acquisition of land measuring 02 Kanal 03 Marla situated at village Dhanmasta, Tehsil Pogal Paristan, District Ramban for construction of Community Hall, Batroo.

Notification No. | | -Rev(LAJ) of 2022
D a t e d : 08 .02.2022

Whereas, on the basis of indent placed by Assistant Commissioner Development (ACD), Ramban vide No. ACDR/MPC Batroo/2017-18/14873-76 dated 20.12.2017, Collector Land Acquisition (ACR), Ramban issued notification under section 4(1) of the Land Acquisition Act Smvt., 1990 vide No.Acq/Gen/2017-18/796-806 dated 09.01.2018, for land measuring 02 Kanal 03 Marla for public purpose i.e. construction of Community Hall Batroo at village Dhanmasta, Tehsil Pogal Paristan, District Ramban; and

Whereas, pursuant to the above referred notification, no objection were received from the interested persons within the stipulated time and Collector submitted the case to District Collector (DC), Ramban for issuance of notification under section 6, 7 & 17 of the said Act; and

Whereas, District Collector (DC), Ramban vide No.DC/LA/Rbn/273-74 dated 05.09.2019 recommended the case to Divisional Commissioner, Jammu for issuance of notification under section 6, 7 & 17 of the Land Acquisition Act Smvt., 1990. Divisional Commissioner, Jammu vide No.502/3691/Acq/Dhanmasta/Rbn/19/2541-42 dated 19.10.2019 endorsed the case to Financial Commissioner (Revenue) J&K, who vide No.FC-LS/LA/5063/19 dated 23.10.2019 forwarded to this Department for the said purpose;

Whereas, the case was examined in the department and vide No.Rev/LAJ/320/2019 dated 27.10.2019, some deficient documents were sought ;and

Whereas, further examination of the case revealed that the indent has been placed by the Assistant Commissioner Development (ACD), Ramban and it has been mentioned that funds are not available and for placing indent instructions have been issued by the department vide Circular No. Rev/LAJK/375/2016 dated: 30.12.2016 which provides as:

- i) *Henceforth, the indent for acquisition of land under the provisions of the State Land Acquisition Act shall not be entertained if it has not been placed by the respective Head of the Government Department/Agency/Corporation addressed to the District Collector only.*
- ii) *While placing the indent, the Head of the Department (HoD) concerned shall specifically certify that he/she has duly been authorized by the Administrative Department concerned for acquisition of the land on behalf of the said department.*



Whereas, the case has been recommended for issuance of declaration under section 6, 7 & 17 of the Land Acquisition Act Smvt., 1990. Section 17 of the said Act has provision of special powers in case of emergency. Further, section 17-A provides as:

Payment of compensation before acquisition proceedings are completed. – Before taking possession of any land under section 17, the Collector shall, without prejudice to the provisions of the said section:

- (a) *Tender payment of eighty per centum of the compensation for such land as estimated by him to the persons interested and entitled thereto.*

Whereas, the interested persons had already filed a writ petition WP (C) No.2670/2019 titled Krishan Singh & anothers V/s State of Jammu & Kashmir & ors in the Hon'ble High Court, of J&K. Hon'ble High Court disposed of the writ petition vide Order dated 30.12.2021, among other directions also directed *"to conclude the acquisition proceedings by issuing a declaration under section 6 of the Act and pronouncing the final award within a period of three months from today and to pay the compensation as per the award to the petitioners forthwith subject to any reference or appeal that may be preferred against the award"*.

Whereas, the J&K Rural Development Department vide communication No.RDD-Legal/25/2022-09-RDD dated 11.01.2022 requested this department to consider the case for issuance of notification under section 6 of the Land Acquisition Act, Smvt, 1990 in compliance to the directions passed by the Hon'ble High Court, Jammu; and

Whereas, on the above basis, the case has been examined in the department, since the indenting department has also requested to consider the case for issuance of notification under section 6 of the Land Acquisition Act, Smvt, 1990 and further the interested persons had not filed objection to the acquisition of the said land within stipulated time; and

Whereas, the Government is satisfied that the aforementioned land is required for public purpose i.e. construction of Community Hall Batroo; and

Whereas, the instant acquisition is already initiated under the J&K Land Acquisition Act, and in view of the advice of the department of Law, the acquisition proceedings are to be completed under the provisions of the said Act; and

Now therefore, in pursuance of section 6 of the J&K Land Acquisition Act, Samvat 1990, it is declared that the land measuring 02 Kanal 03 Marla at village Dhanmasta, Tehsil Pogal Paristant, District Ramban is required for public purpose i.e. construction of Community Hall Batroo. Further, the Collector Land Acquisition (ACR), Ramban is directed under section 7 of the said Act to take orders for acquisition of the said land after giving prescribed notice to the interested person (s) as required under section 9 of the Land Acquisition Act/rules.



Further, in pursuance of section 17 of the Land Acquisition Act Samvat, 1990, it is also ordered that on expiry of fifteen days from the publication of the Notification under Section 9 (2) of the said act, the Collector will take possession of the aforementioned land at village Dhanmasta, Tehsil Pogal Paristan, District Ramban required for public purpose, subject to fulfillment of the conditions prescribed under Section 9 (2) and Section 17-A of the Land Acquisition Act and Rule 63 of the Land Acquisition Rules.

However, the Collector concerned shall be held specifically responsible for identification and proper title verification of all types of lands involved in the case for making apportionment of compensation amongst all the interested persons/ rightful claimants, in accordance with the relevant laws/ rules in force while making the award.

Sd/-

(Vijay Kumar Bidhuri)IAS

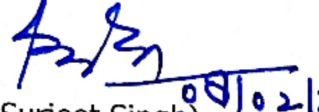
Commissioner/ Secretary to the Government


No.Rev-LIT/33/2022 (119598)

Dated: 08 .02.2022

Copy to the:-

1. Financial Commissioner (Revenue), J&K, Jammu.
2. Commissioner/Secretary to the Government, Rural Development Department with the request to make the requisite funds available to the Collector Land Acquisition (ACR), Ramban so that he can pass final award.
3. Divisional Commissioner, Jammu.
4. Deputy Commissioner, Ramban.
5. Collector Land Acquisition (ACR), Ramban. He is advised to follow provisions of the Land Acquisition Act, Agrarian Reforms Act and/or any other law governing the subject matter, while making apportionment of compensation in favour of the rightful claimants.
6. General Manager, Government Press, Jammu/Srinagar for publication in the next issue of Government Gazette with five copies to the Revenue Department, Civil Secretariat.
7. Private Secretary to Commissioner/Secretary to the Government, Revenue Department.
8. In charge Website, Revenue Department.
9. Notification file.
10. Concerned file/Stock File.


(Surjeet Singh) 08/02/2022

 **Under Secretary to the Government**