

*THE LAND ACQUISITION (KERALA) RULES, 1990

S. R. O. No. 675/90.— In exercise of the powers conferred by sub-section (1) of Section 55 of the Land Acquisition Act, 1894 (Central Act 1 of 1894), the Government of Kerala hereby make the following rules, the same having been previously published as required by sub-section (2) of the said section, namely:—

RULES

1. Short title and commencement.— (i) These rules may be called the Land Acquisition (Kerala) Rules, 1990.

(ii) They shall come into force at once.

2. Definitions.— In these Rules unless the context otherwise requires,—

(i) "Act" means the Land Acquisition Act, 1894;

(ii) "Form" means the form appended to these Rules;

(iii) "Government" means the Government of Kerala;

(iv) "Land Acquisition Officer" means any officer specially appointed by Government by notification under clause (c) of Section 3 of the Act to perform the function of a Collector under the Act;

(v) "Section" means a section of the Act.

3. Appointment of Collectors.— All appointments of Collectors under clause (c) of Section 3 shall be by notification in the Official Gazette in Form No. 1.

Case Laws

Whether delay is fatal: Notice under R.3 should be simultaneously issued with the notification under S.3 of the Act. Held the delay is not always fatal. *P. S. N. Motors v. State of Kerala* — 1989 (1) KLT 30 : 1988 (2) KLJ 893.

Notice under R.3 when to be issued: Notice under R.3 to be issued immediately after publication of notification under S.3. *Mariyumma v. Pappinissery Panchayat Board* — 1981 KLT SN 74.

4. Requisitions for Acquisition.— (1) Requisitions for acquisition of land under the Act shall be made in Form No. 2 to the District Collector concerned within whose jurisdiction the land is situated.

(2) As soon as a requisition is received, the District Collector shall if it is decided that the land applied for should be acquired under the Act, forward it to the concerned Land Acquisition Officer for initiating land acquisition proceedings.

5. Publication of Preliminary Notifications.— (1) When the acquisition is for any public purpose (other than for the purposes of the Central Government), the Land

Acquisition Officer shall publish a preliminary notification in Form No. 3 (a) duly approved by him in the Official Gazette and in the newspapers as required by sub-section (i) of Section 4.

(2) When the acquisition is for the purposes of the Central Government, the Land Acquisition Officer shall forward to Government in the concerned Department a draft preliminary notification in Form No. 3(b) in triplicate together with an attested copy of the requisition, an extract of settlement/Adangal/Land Tax Register and a Sketch of the site.

(3) The Government shall, if they are satisfied that the acquisition is for the purposes of the Central Government approve the notification and send one copy of the notification to the Government Press for publication in the Official Gazette and return one copy of the approved notification to the Land Acquisition Officer for publication in the newspapers, as required by sub-section (1) of Section 4.

Case Laws

Requisition for acquisition made at the instance of a private school: Education Department giving certificate about the public purpose. Notice in respect of date of hearing of objections not served on Education Department. Provisions of R.5(b) & (c) not violated as requisition was not made at the instance of Education Department. *Abraham Mathai v. Sub Collector — 1990 (2) KLT 349.*

Acquisition of land for private aided school: Notice issued to parties. Absence of notice to departmental officer does not vitiates the acquisition. *Mathu v. State of Kerala — 1982 KLT 868.*

6. Procedures for acquisition in cases of urgency.— (1) Where any requisition is received by the District Collector for acquisition of land under the urgency clause for any public purposes (other than for the purposes of the Central Government) he may, if it appears to him that it is a fit case to dispense with the provision of Section 5A, make a recommendation to that effect to the Secretary, Board of Revenue for appropriate sanction.

(2) As soon as the sanction referred to in sub-rule (1) is received, the Land Acquisition Officer shall 'publish' a composite notification in Form No. 3(c) duly approved by him in the Official Gazette, and in the newspapers as required in sub-section (1) of Section 4 read with sub-section (4) of Section 17.

(3) Where the requisition for acquisition of land under the urgency clause is for the purposes of the Central Government, the District Collector may, if it appears to him that it is a fit case to dispense with the provision of Section 5A make a recommendation to that effect to Government in the concerned Department. The District Collector shall also submit along with his report to Government a draft composite notification in Form No. 3(d) an attested copy of the requisition, an extract of the Settlement/Adangal/ Land Tax Register and a sketch of the site.

(4) The Government may if they are satisfied that it is a fit case to invoke the powers under Section 17, issue a formal sanction to dispense with the provision of Section 5A of the Act and approve the composite notification. One copy of the approved notification shall be sent to the Superintendent, Government Presses, Trivandrum for the publication in the Official Gazette and one copy to the concerned Land Acquisition Officer for arranging publication in the newspapers.

7. Issue of Public Notice.— Immediately after the publication of the preliminary notification referred to in sub-rule (1) or (3) of Rule 5, the Land Acquisition Officer shall issue a public notice in Form No. 4(a) stating that the land is needed or is likely to be needed for a public purpose and requiring all persons interested in the land to lodge

before him a statement in writing of their objections if any to the proposed acquisition within 30 days of the last of the dates of the publication of such preliminary notification or the giving of such public notice whichever is later. The said notices shall be published at convenient places in the locality and copies thereof fixed up in the Taluk Office, Village Office and in the offices of the District Collector and Land Acquisition Officer.

(2) As soon as the composite notification referred into sub-rule (2) or (3) of Rule 6 is published, the Land Acquisition Officer shall issue a public notice in Form No. 4(b). The said notice shall also be published at convenient places in the locality in the Taluk Office, in the Village Office and in the Office of the Land Acquisition Officer.

8. Hearing of objections and further actions.— (1) If any objection is received from any person actually interested in the land within the period prescribed in Section 5A, the Land Acquisition Officer shall fix a date for hearing the objectors and give notice thereof in Form No. 4(c) to the objectors as well as to the requisitioning body with copies of the objections. The requisitioning authority may file on or before the date fixed for hearing a statement by way of answer to the objections and may also depute a representative to attend the enquiry.

(2) If the statement of objections is not filed within the prescribed period or if it is filed by a person who is not actually interested in the land, it shall be summarily rejected.

(3) On the date fixed for hearing or any date to which the hearing may be adjourned by the Land Acquisition Officer, the Land Acquisition Officer shall hear the objector or his pleader and the representative if any of the requisitioning body and record any evidence that may be produced in support of the objections.

(4) The Land Acquisition Officer shall also immediately after the publication of the preliminary notification or composite notification as the case may be, arrange for the preparation of the sketch and sub-division records of the land notified for acquisition in duplicate and send one copy to the Superintendent of Survey and Land Records for scrutiny and preparation of revised sketches and area list.

(5) The Land Acquisition Officer shall thereupon prepare a draft declaration in the appropriate form [Form No. 5(a) or No. 5(b) or No. 5(c) or No. 5(d) as the case may be] and submit his report with the following documents for the decision of Government if the acquisition is for the purposes of the Central Government, or for the decision of the Board of Revenue if the acquisition is for any other public purpose.

- (a) An attested copy of the requisition.
- (b) Attested copy of Gazette sheet and paper cuttings containing published copies of the preliminary/composite notification.
- (c) Served and published copies of notices referred to in Rule 7.
- (d) The sketch of the site.
- (e) Extract from the Village Settlement/Adangal/Land Tax Register relating to the land.
- (f) Sub-division statement.
- (g) The objection petitions (in original).
- (h) The record of enquiry under Section 5A.

- (i) Statement reconciling difference between the particulars shown in the preliminary/composite notification and the declaration together with a certificate that the difference has been reconciled.
- (j) A confidential note on the nature and weight to be attached to the existence of religious buildings, tombs, graveyards etc., if any, on the land under acquisition.

9. Publication of Declaration.— (1) On consideration of the objections and the report of the Land Acquisition Officer, if the Board of Revenue or the Government as the case may be, is or are satisfied that the land should be acquired, the declaration shall be approved after overruling the objections and sent up for publication in the Official Gazette as required under Section 6. One copy of the approved declaration with the records shall be returned to the Land Acquisition Officer for arranging the publication of the Draft Declaration in the newspapers as required under Section 6.

(2) If on the other hand the Board of Revenue or the Government as the case may be decides or decide to give up the acquisition a notification withdrawing from such acquisition shall be published by Government in Form No. 6.

(3) When the acquisition is for a public purpose other than for the purposes of the State Government or Central Government no declaration shall be published unless the requisitioning authority executes in favour of the District Collector, an agreement in Form No. 7.

(4) Every declaration for the acquisition of land for the purposes of the Central Government, under Section 6 of the Act shall be in Form No. 5(a) and that under Section 6 read with sub-section (1) of Section 17 of the Act shall be in Form No. 5(b). Every declaration for any other public purpose under Section 6 of the Act shall be in Form No. 5(c) and that under Section 6 read with sub-section (1) of Section 17 of the Act shall be in Form No. 5(d).

(5) The Officer competent to authenticate the orders under Section 6, shall be the Secretary to Government, Additional Secretary to Government, Joint Secretary to Government or Deputy Secretary to Government of the concerned Administrative Department where the declaration is made by Government and the Secretary, Board of Revenue where the declaration is made by the Board of Revenue.

10. Procedure for preparation of basis of valuation and valuation statement of the property under acquisition.— (1) As soon as the preliminary/composite notification is published the Land Acquisition Officer shall prepare a basis for valuation of the property under acquisition and forward the same to the District Collector for approval. In preparing the basis for valuation, the Land Acquisition Officer may obtain from the Offices of the Sub-Registrars concerned copies of available sale deeds of similar lands in the locality as on or immediately prior to the date of publication of the aforesaid notification and such other details as are found necessary. Buildings or structures under acquisition which are likely to cost more than Rs. 5,000 shall be got valued by the Engineer of the Public Works Department or by qualified Engineers of the requisitioning body at the rate prescribed by the Public Works Department, subject to the monetary powers given by Government to each grade of Engineers.

(2) Immediately after the basis for valuation is approved by the District Collector and the structures got valued by the competent Engineers, the Land Acquisition Officer

shall arrange to prepare a mahazar and a detailed valuation statement in Form No. 8 showing the details of land under acquisition, the improvements thereon and the estimated amount of compensation and get valuation statement approved by the District Collector.

(3) The Land Acquisition Officer shall, before sending the basis for valuation and the detailed valuation statement to the District Collector for approval, personally inspect the site and record a certificate in the mahazar and detailed valuation statement to the effect that he has actually inspected the site and is satisfied as to the correctness of the details shown in the mahazar and detailed valuation statement prepared by the Revenue Inspector or Valuation Assistant as the case may be.

[Explanation.— For the purposes of this rule and Rules 6, 11, 12 and 14 the expression "District Collector" means the Collector of a District and includes an Officer, if any, not below the rank of a District Collector in the Revenue Department, specially empowered by the Government to exercise the powers of the District Collector, where the land to be acquired is for any road or bridge project.]

11. Notice to persons interested on the land.— (1) As soon as the revised sketches and area lists are received from the Superintendent of Survey and Land Records and the detailed valuation statement is approved by the District Collector, the Land Acquisition Officer shall cause public notice in Form No. 9(a) to be given at the convenient places on or near the land to be taken as required under sub-section (1) of Section 9.

(2) A notice in Form No. 9(b) shall be served on all the persons concerned in the manner prescribed in Section 45 and as required in sub-section (3) of Section 9.

12. Awards for compensation.— (1) As soon as the claims of the persons interested in the land are enquired into as contemplated in Rule 11 the Land Acquisition Officer shall prepare a draft award (in Form No. 10) and submit the same with all connected records.

²[(a) to the District Collector where the award does not exceed Rs. One crore.

(b) to the Commissioner of Land Revenue where the award exceeds Rs. One crore but does not exceed Rs. Two crore.

(c) to the Government in the concerned Department, where the award exceeds Rs. Two crores.]

(2) As soon as previous approval is received the Land Acquisition Officer shall make an award in Form No. 10 and send one copy of such award to the District Collector for effecting necessary changes in the revenue records and one copy to the requisitioning authority. A copy of the award statement shall thereupon be sent to the Accountant General in Form 'A' in duplicate.

(3) No award shall be passed unless the Land Acquisition Officer has sufficient

1. Inserted by Notification G. O. (P) No. 26/2002/RD dt. 05/02/2002, published in K. G. Ext. No. 233 dt. 13/03/2002 as S. R. O. No. 135/2002.

2. Substituted by S. R. O. No. 491/2001 dt. 03/05/2001, published in K. G. Ext. No. 691 dt. 08/05/2001. Prior to substitution it read as under:

²(a) to the District Collector where the award does not exceed Rs. 50 lakhs.

(b) to the Member, Board of Revenue, where the award exceeds Rs. 50 lakhs but does not exceed Rs. 1 crore.

(c) to the Government in the concerned Department, where the award exceeds Rs. 1 crore for previous approval as required under Section 11*.

funds at his disposal for making payment of the compensation or depositing the same into the Treasury or Court as the case may be.

(4) Where all the persons interested in the land notified for acquisition executes an agreement as required under sub-section (2) of Section 11, award at any stage of the proceedings after the publication of the draft declaration under Section 6 of the Act in terms of such agreement without making any further enquiry.

(5) The agreement shall be in Form No. 10(a) appended to these rules and it shall be executed between the owner or owners of the land of any person or persons interested therein on the one part and the District Collector for and on behalf of the Government of Kerala, on the other part.

(6) No award shall be passed under sub-rule (4), unless previous approval is obtained from the competent authority as required under sub-section (1) of Section 11.

³[12A. Re-determination of the amount of compensation on the basis of the award of the Court.— (i) On receipt of an application under Section 28A from the persons interested within the stipulated period, the Collector shall conduct an enquiry after due notice to all the persons interested and after giving them a reasonable opportunity of being heard, make an award re-determining the compensation payable to each applicant. The value of each sub-division shall be decided upon by the Collector. The applicability of the award of the Court and the rate of compensation to be awarded on re-determination have to be adjudicate, upon by the Collector taking into consideration all relevant acts and circumstances. Every award under Section 28A shall be supported by a note to award giving justification in passing such award.

(ii) The re-determined compensation shall not be less than the compensation originally awarded or shall not be more than the amount awarded by the Court. It shall not be more than the compensation originally claimed by the landowner.

(iii) Every award under Section 28A shall be in Form No. 10(C).

(iv) Every award under Section 28A shall be got approved by the competent Authority subject to the monetary limit prescribed under clauses (a) to (c) of sub-rule (1) of Rule 12.

(v) No application under Section 28A shall be entertained when a land acquisition appeal case is pending before a Court.

⁴[x x x x]

(vii) A register in Form No. 10(aa) showing the details of applications under Section 28A shall be maintained by the Collector].

Case Laws

Is invalid and ultra vires and unconstitutional: Application under S.28A cannot be dismissed on the ground that appeal is pending. Procedure to be followed when an appeal is pending. *Thomas v. District Collector — 2000 (2) KLT 160.*

Provision in R.12A(vi) is invalid: The provision in R.12A(vi) that no interest shall be paid for the amount awarded under S.28A is against the provisions of the Land Acquisition Act and has to be struck down. *Koruthu Kochukutty v. State of Kerala — 2000 (1) KLT 26.*

3. Added by Notification G. O. (P) No. 111/94/RD dt. 05/04/1994, published in K. G. Ext. No. 317 dt. 08/04/1994 as S. R. O. No. 427/94.

4. Omitted by S. R. O. No. 963/99 dt. 22/11/1999, published in K. G. Ext. No. 2163 dt. 26/11/1999. Prior to omission it read as under:

"(vi) No interest shall be paid for the amount awarded under Section 28A".

13. Notice of award and payment.— (1) immediately, after the award is made, the Land Acquisition Officer shall issue a notice of award in Form No. 10(b). The said notice shall be served on the awardees as well as other persons interested in the land in the manner prescribed in Section 45.

(2) In case the awardees or their authorised agents fail to appear and accept the award or fail to apply for a reference to Court under Section 18, the amount due shall be paid into the treasury as Revenue Deposit payable to the persons to whom it is respectively due and vouched for in Form E. A notice intimating the deposit of the amount into the Treasury shall also be served on all the awardees and interested persons in Form No.11.

(3) As soon as the payment or deposit of the award is completed, a subsidiary statement in Form 'B' showing the acceptance of award shall be sent to the Accountant General in duplicate.

(4) Where an award has been made by a Court under Section 25, a second award statement shall be prepared in Form 'C' by the Land Acquisition Officer and a copy thereof sent to the Accountant General in duplicate.

(5) The Accountant General will forward one copy each of the completed A, B and C statements to the Board of Revenue which will be filed there and retained permanently.

14. Mode of payment of awards.— (1) The amount required for payment or deposit of the award shall not be drawn by the Land Acquisition Officer in cash. It shall be drawn in favour of the payee by means of printed and machine numbered 'D' form cheques to be obtained from the Treasury on proper indent through the District Collector.

(2) The payment relating to an award shall be made or the amount credited to Court or Revenue deposit within one month from the date of the award and in the case of an award made in the month of March it shall be paid or deposited before the end of the financial year.

(3) All payments into Courts for deposits shall be made by means of 'D' form cheques drawn in favour of the Presiding Officer of the Court payable by order of the Court to the credit of Civil Court deposits. In such case the Form 'D' cheques shall be accompanied with receipts in triplicate in Form 'F' duly filled up. The Presiding Officer shall retain one copy of the Form 'F' and return two copies to the Land Acquisition Officer after sending acknowledgements on them. One copy of form F shall be retained by the Land Acquisition Officer and the other copy sent to the Accountant General in Form 'B' statement.

(4) A stock register of printed 'D' form cheques shall be maintained by each Land Acquisition Officer in Form No. 11(a). The serial number of cheques used for each award shall be noted in the register and balance struck. The Land Acquisition Officer shall retain the used cheque books in his personal custody and shall also maintain a separate register of cheques issued giving reference to the details such as (a) cheque number, (b) date of drawal, (c) award number and date, (d) name of payee, (e) Treasury drawn upon and (f) amount.

15. Taking possession of land.— (1) The payment or deposit of the amount awarded shall not be effected unless the land is taken possession of.

(2) As soon as the award is made, the Land Acquisition Officer shall take over the property if not already taken and hand over possession of the same to the authorised representative of the requisitioning body under proper acknowledgement in the sketches and mahazars.

(3) For the purpose of taking over and handing over possession of the land a notice in Form No. 12 shall be served on all the parties interested in the land and an intimation given to the requisitioning authority in Form No. 13.

(4) Where any difficulty arises in obtaining surrender of property, the Land Acquisition Officer shall if he is not a Magistrate, apply to a Magistrate to enforce surrender of the property as required under Section 47. The Magistrate may issue a warrant to a Police Officer not below the rank of a Sub Inspector, for enforcing surrender of the land, if necessary, by using force.

⁵[(5) In the cases where possession of land is taken in advance under Section 17 of the Act; it should be done only after giving a notice to the land owner and occupier thereof as required under sub-section (2) of Section 17 of the Act. Such advance possession of land shall not be taken unless a detailed mahazar showing the description of land and improvements thereon is prepared by the Land Acquisition Officer in the presence of the owner or other persons interested and the representative of the requisitioning body and got attested by them.]

(6) As soon as the land is taken possession of intimation to that effect shall be given to the Sub Registrar concerned in Form No. 14 under proper acknowledgements to enable the Registration Department to maintain the permanent land records in their offices.

16. Reference to Court.— Reference to Court under Section 18 or sub-section (3) of Section 28A or Section 30 of the Act shall be made by the Land Acquisition Officer in Form No. 15 supported by information in the prescribed schedule in Form Nos. 16 and 17:

Provided that in the case of application presented to the Land Acquisition Officer for reference to Court it shall be referred within a period of six months from the date of receipt of the application.

⁶[**16A.** (1) Every application for reference to Courts under sub-section (1) of Section 18 and sub-section (3) of Section 28A of the Act shall be made in Form No. 22A, in triplicate, and shall be filed within the time limit prescribed for the purpose.

(2) As soon as the reference application is received, the Land Acquisition Officer shall make necessary entries in the Register in Form Nos. 21 and 23.

(3) One copy of the application shall be returned to the applicant duly acknowledging its receipt with the Office seal and dated signature of the Land Acquisition Officer, immediately on receipt. The other copies shall be used for reference to Court and for office records].

17. Cancellation or modifications of notification.— The authority competent to approve the notifications and declarations under these rules shall also be competent to cancel them or to modify them by issuing appropriate cancellation or erratum notification as the case may be.

18. Maintenance of Registers.— The following registers shall be maintained in all the offices dealing with land acquisition work.

(a) A special Register of Land Acquisition Cases in Form No. 19.

-
5. Substituted by Notification G. O. (P) No. 337/97/RD dt. 07/05/1997, published in K. G. Ext. No. 581 dt. 07/05/1997 as S. R. O. No. 357/97.
6. Added by Notification G. O. (P) No. 105/99/TD dt. 29/03/1999, published in K. G. Ext. No. 704 dt. 06/04/1999 as S. R. O. No. 322/99 (w.e.f. 06/04/1999).

- (b) An award Register in Form No. 20.
- (c) A register of Land Acquisition Suits in Form No. 21.
- (d) A register of claims made by interested parties in Form No. 22.
- (e) A register of reference applications filed by awardees in Form No. 23.
- 7[(f) A register of applications for re-determination of compensation under Section 28A filed by persons interested in Form No. 10(aa)].

APPENDIX

(The Forms given in this Appendix may be used for the purposes mentioned therein with such variations as the circumstances of each case may require without affecting the substances thereof).

FORM No. 1

[See Rule 3]

In exercise of the powers conferred by Clause (c) of Section 3 of the Land Acquisition Act, 1894 (Central Act 1 of 1894), the Government of Kerala hereby appoint the officers specified in column (1) of the Schedule below to perform the functions of a Collector under the said Act within the area specified in column (2) thereof and under sub-section (2) of Section 4 of the said Act authorise them, their servants and workmen to exercise the powers conferred by the said sub-section in respect of any land within their respective jurisdiction for the acquisition of which a notification under sub-section (1) of Section 4 has been published.

SCHEDULE

Sl. No.	Designation of the officer	Area of jurisdiction
(1)	(2)	(3)

(1)

(2)etc.

By order of the Governor,
Secretary to Government

FORM No. 2

[See Rule 4(1)]

Form of Requisition for acquisition of land

1. Name of District, Taluk and Village.
2. Survey Number(s).
3. Extent of land to be acquired.
4. Purpose for which it is to be acquired.
5. (a) Name and designation of the departmental officer, if any, deputed for the joint inspection with the revenue officer.
- (b) Whether it is necessary to take possession of the land in advance by invoking the urgency clause under Section 17 of the Land Acquisition Act.
- (c) If so, the special reasons to be given in a detailed manner as possible to enable the Government to decide upon the question.
- (d) If the land is to be taken possession of in advance of the award whether the requisitioning officer has gone through the relevant provision of the Land Acquisition Act and the rules made thereunder and satisfied himself about the need for doing so.
- (e) Whether interest charge on the compensation amount may be paid from the date of taking possession of the land under the urgency clause.