

# LAND ACQUISITION

- a)MRTP
- b)MMC
- c)LA Act

# INTRODUCTION

- ◆ As per section 42 of the M.R. & T.P. act 1966 on coming into operation of the Development Plan, it shall be the duty of the Planning Authority to take such steps as may be necessary to implement the Development Plan.
- ◆ Acquisition of the land is one of the important steps towards implementation of the Development Plan.

## The lands can be acquired..

- ◆ A) By agreement by paying an amount agreed to
- ◆ b) By granting TDR in lieu of monetary compensation
- ◆ c) By making an application to the State Government under the Land Acquisition Act 1894
- ◆ D) By mutual agreement between the concerned authorities if the lands under reservations are owned by the Government and other public bodies.
- ◆ E) By taking over surplus vacant lands under ULC Act.

## Acquisition in lieu of T D R

- ◆ Provisions made in the MR&TP Act and in the D. C.Reg.,1991, for acquiring lands free of cost by granting Transferable Development Right (TDR) in lieu of monetary compensation.
- ◆ The option to avail TDR or to claim monetary compensation for the reserved land lies with the owner and as such its innovative idea of acquiring the land by granting TDR has its limitations.

## Provisions in M.M.C. Act

- ◆ **Section 90:** Acquisition of immovable property by agreement
- ◆ **Section 91:** Procedure when immovable property cannot be acquired by the Agreement i.e. initiate acquisition under the L.A. Act
- ◆ **Section 92:** Provisions of governing the disposal of the Municipal Property.

## M.M.C. Act contd--

- ◆ **Section 92(c.c.):** Provision to recover market value of the land in respect of disposal of Municipal property.
- ◆ **Section 299:** Acquisition of open land and area of the land occupied by platforms etc. within the regular line of the street (open set back)
- ◆ **Section 301:** Payment of compensation for acquiring open set back.

## Provisions in M.R.&T.P. Act 1966

- ◆ **Section 125:** The land reserved for the Public Purpose in Development Plan shall be deemed to be land needed for a Public Purpose within the meaning of the Land Acquisition Act, 1894
- ◆ **Section 126 (1) (a):** To acquire reserved land by agreement by paying an amount agreed to by negotiation.
- ◆ **Section 126 (1) (b):** To acquire land reserved in the D.P. by granting T.D.R. /F.S.I in lieu of monetary compensation.

## M.R.&T.P. act 1966 contd-

- ◆ **Section 128:** Power of the State Government to acquire the land for the purpose other than one for which it is designated in Dev. Plan.
- ◆ **Section 129:** Taking over advance possession of the land by applying urgency clauses.

## L.A. Act 1894

- ◆ Provisions of the entire land acquisition Act as amended upto date are applicable for acquisition of land for public purposes. However, following are important sections.

## M.R.&T.P. Act 1966 contd-

- ◆ **Section 126 (1)(c):** To make an application to the state Government for compulsorily acquiring the land reserved under the sanctioned development plan.
- ◆ **Section 126 (2):** Notification for acquisition of the land read with section 6 of L.A.Act.
- ◆ **Section 127:** Provision for serving of purchase notice on M.C.G.M. by the owners in respect of reserved land

## U.L.C. Act, 1976

- ◆ **Section 10:** Acquisition of vacant land in excess of the Ceiling limit.

## Provisions in L.A. Act, 1894

- ◆ **Section 4:** Publication of the preliminary notification by the Govt for inviting suggestion /objection in respect of land proposed to be acquired for public purpose.
- ◆ **Section 5-A:** Hearing of objections.
- ◆ **Section 6:** Declaration by the Govt. for acquisition after confirming that the land is required for public purposes.

L.A. Act, 1894 contd--

- ◆ Section 9: Notice to the persons interested in the land to submit their claims
- ◆ Section 11: Enquiry and award
- ◆ Section 12: Declaration of the Award
- ◆ Section 12(2): Giving notice for the declaration of award.

L.A. Act 1894 contd.--

- ◆ Section 16: Taking over of physical possession by the SLAO free from all encumbrances after declaration of Award
- ◆ Section 17: Applying urgency clause for taking advance possession (This is an equivalent provision under section 129 of the M.R. & T.P. Act, 1866)
- ◆ Section 18: Reference to the court regarding objection of the interested persons regarding measurement and compensation of the land.

L.A. Act 1894 contd--

- ◆ Section 25: Compensation awarded by the Court shall not be less than that awarded by collector.
- ◆ Section 30: Reference of the dispute regarding ownership etc. to the court of law.
- ◆ Section 47: Magistrate to enforce the surrender of the land in case the Collector is opposed in taking possession
- ◆ Section 48: Provision for claiming damages when the land is withdrawn from acquisition.
- ◆ Section 49: Acquisition of part of the building.

Circumstances under which acquisition proceedings are initiated

- ◆ Priority is fixed in the zonal D.M.C.'s meeting with Ward Councillors.
- ◆ Priority is fixed by the user department
- ◆ Purchase Notice is served by the owners under section 49 or under section 127 of the M.R. & T.P. Act, 1966.

Procedure to Acquire Under the Compulsory Acquisition Act :

- ◆ Acquisition plan showing boundary of the plot as per the City Survey Plan to a scale of 1:500 is prepared.
- ◆ Documents for ownership of the lands are collected .
- ◆ Encumbrances with their users are noted
- ◆ Current Market value of land is estimated.

Procedure to Acquire contd./

- ◆ A D.L. to M.S. is prepared & IC/Corporation approval obtained.
- ◆ An application for acquiring the land is made to the State Government .
- ◆ Special Land Acquisition Officer is appointed to conduct the acquisition proceedings .
- ◆ Joint survey of the plot is carried out
- ◆ Notification under section 6 of the L.A.Act, is issued by Govt.

### Procedure to Acquire contd./

- ◆ An inventory of the existing occupant on the land under acquisition is prepared by the acquisition section, jointly with the representative of the concerned ward.
- ◆ S.L.A.O. issues notices under section 9 of the L.A. Act to all the interested persons.
- ◆ Municipal valuation report is filed.
- ◆ Draft award prepared by SLAO and submitted to Govt.

### Procedure for attornment of tenants.

- ◆ S.L.A.O. is supposed to give vacant possession but the M.C.G.M. as a matter of policy is taking over plots with encumbrances and provides alternative accommodations.
- ◆ After notification, an inventory of the existing occupants is prepared by the acquisition section, jointly with the representative of the concerned ward.
- ◆ Existing occupants of the authorised tolerated /protected structures are required to be attorned as Municipal licensees.

### Procedure to Acquire contd./

- ◆ The list of the occupants are classified into three categories.
- ◆ a) Bonafide occupants of the original owners having rent receipts in their names.
- ◆ b) Sub-tenants in place of the principal tenants having supporting documents.
- ◆ c) Those who are unauthorized occupants.

### Procedure to Acquire contd./

- ◆ Final award declared by SLAO after approval of Govt.
- ◆ Intimation for taking over of possession issued by SLAO.
- ◆ Possession taken over by Acquisition dept. from SLAO and handed over to Ward/user deptt.
- ◆ Detailed inventory carried out again jointly with Ward staff for attornment of tenants/occupants.

### Procedure to Acquire contd./

- ◆ While taking the inventory, the rent receipts and other supporting documents like ration card, are checked to decide whether the occupants are bonafide tenants or sub-tenants or trespasser.
- ◆ Final inventory prepared jointly after taking over possession.
- ◆ Details counterchecked with the first inventory made after notification.

### Procedure to Acquire contd./

- ◆ Occupants mentioned in category (a) and (b) above are entitled for alternative accommodation.
- ◆ Occupants mentioned in category (c) are also attorned as Municipal Licensee but they are not entitled for alternative accommodation.
- ◆ Director (ES&P)'s sanction is obtained to attorn them as Municipal licensee.
- ◆ A.O. (Estate) of the Ward shall then attorn the tenants as licensee after recovering the compensation awarded to them by SLAO.
- ◆ A.O. (Estate) shall prepare appropriate tenancy agreement/ licence agreement with the tenants and keep the same in safe

Procedure to Acquire contd./

- ◆ Details of acquired properties to be maintained by A.O.(Estate) and A.E.(Maint) of each ward office.
- ◆ Protection for the acquired plot to be ensured by A.E.(Maint).

Acquisition of Govt. lands.

- ◆ Govt lands are not acquired by compulsory acquisition but is to be taken over by negotiations.
- ◆ The State Govt. lands are transferred subject to the terms and conditions finalised by State Govt.
- ◆ Other Govt bodies transfers lands by charging current Market value.
- ◆ Current market value generally fixed by Dy.Dir(Town Planning).

Procedure for taking Advance possession.

- ◆ Advance possession of the land can be taken over by two ways i.e. by negotiations or by urgency clause.
- ◆ Possession taken from private owner by entering into an agreement with the Municipal Corporation, pending acquisition of the land under L.A. Act.
- ◆ If the negotiations fail, then the Govt. can apply the Urgency Clause u/s 17 of the Land Acquisition Act or 129 of the MRTP Act, 1966 and take over the possession.

PURCHASE NOTICE

- ◆ Purchase Notices for the lands reserved under the sanctioned Development Plan are served u/s 49 or 127 of MRTP act.
- ◆ Purchase Notice is served on the state govt. u/s 49 within period of 10 years of final D.P.
- ◆ Acquisition to be initiated within one year by MCGM on confirmation of Purchase Notice by State Govt. failing which reservation lapses.
- ◆ Purchase Notice is served on the MCGM u/s 127 after period of 10 years of final D.P.
- ◆ Acquisition to be initiated within six months by MCGM failing which reservation shall lapse.

PROCEDURE FOR ACQUIRING D.P.ROAD LANDS

- ◆ D.P.roads are taken over as per the proviso under D.C.Reg.33(1) in lieu of FSI.
- ◆ Conditions in I.O.D for handing over such lands to the Municipal Corporation free of cost and free of encumbrances.
- ◆ Owners approach Dy.C.E.(D.P.)s office to hand over the possession of the land, the owners shall submit ownership documents.

Procedure to Acquire D.P. Rds contd./

- ◆ J.M. survey by C.S.O.
- ◆ Law officer to verify the title of the land.
- ◆ After completion of road and SWD & street light work possession is taken over by Acquisition dept. and handed over to Ward office.
- ◆ P.R.card transferred in the name of MCGM after executing deed of declaration.
- ◆ E.E.B.P to give occupation after separate P.R. card is produced.

## Taking over over of set-back land affected by R.L.

- ◆ Acquisition of open set back lands is done under section 299 of the B.M.C. Act by the ward office either lieu of compensation or in lieu of FSI.
- ◆ Practice of the serving notice under section 299 of the MMC Act specifying the statutory time limit, carrying out the joint survey of the open set back land by the Survey Deptt. of the Corporation and thereafter taking over the physical possession of the land should be followed.

- ◆ No necessity of making an agreement with the owners since taking over the possession of the open set back land is an acquisition by operation of law.
- ◆ As per present policy, before taking over the setback land the same is to be got asphalted, drained and lighted as per Municipal Specifications.
- ◆ Before granting FSI/ paying compensation, the titles to be verified from the Law Officer .
- ◆ Land should be got transferred in the name of the Municipal Corporation in the Government records.

## Procedure for Taking over land in Lieu of TDR :-

- ◆ The owner shall submit an application in the prescribed form, through an architect for grant of TDR.
- ◆ The land to be surrendered shall be jointly surveyed with City Survey staff and J.M. plan is prepared.
- ◆ Title of the property shall be got verified from Law Officer.

## Procedure for Taking over land in Lieu of TDR — contd./

- ◆ The land shall be levelled at least up to 27.55mt. Town Hall Datum after removing all the encumbrances and compound wall with gates shall be provided.
- ◆ D.P. deptt. shall take over possession of the reserved land and hand over the same to the Estate Department, who in turn shall hand it over to the ward office/user deptt.
- ◆ The ward office to protect the plot till the same is developed by the user department .

## Procedure for Taking over land in Lieu of TDR Contd/-

THANK YOU

- ◆ Any defects related to levelling, compound wall, etc. shall be communicated to the D.P. deptt. within fifteen days from the date of taking over possession.
- ◆ Property Register card showing the name of the M.C.G.M. as the owner shall be produced after executing the Declaration-cum-Indemnity Bond.
- ◆ TDR shall be granted thereafter with the approval of M.C