(D)

Government of Jammu and Kashmir,
Civil Secretariat, Revenue Department
****

CIRCULAR

It has generally been observed that the Collectors are initiating proceedings for acquisition of land for various purposes under the provisions of the State Land Acquisition Act, without verifying the competence of the officer placing the indent. They are also not verifying the competence of the department/agencies to acquire the land within the State. Such action on part of Collectors, at times, not only violates the substantive provisions of State constitution other laws like Land Acquisition Act and Transfer for Property Act etc, but, also creates legal complications vitiating the whole process of acquisition.

It has also come to the notice of the Government that officers who are not authorized by the Administrative Department concerned are placing the requisitions/indents with the respective Collectors, which is very disturbing, particularly in view of the fact that funds are not provided to the Collector on time to complete the acquisition proceedings for payment of compensation to the affected land owners/interested parties for want of competence of the officer in making such a requisition.

Moreover, the Deputy Commissioners are also entertaining requisitions for transfer of State land to various Government Departments without ascertaining the actual/minimum requirement of land, which has been putting a lot of strain on the available State land resources and the Revenue department is finding it difficult to meet the requirement of land for each and every department for various developmental activities in view of huge scarcity of suitable State land.

(4)

With a view to streamlining the procedure for acquisition and transfer of land, it is impressed upon all the concerned that:-

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 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.

III. Requisitions for transfer/lease of the State land shall be placed by the Administrative Secretary concerned to the District Collector, specifically indicating therein the actual/minimum requirement of land for the purpose alongwith a map having duly been approved by the competent authority.

IV. in respect of the Departments/Agencies of the Government of India, the requisition for acquisition/transfer of State/proprietary land shall have to come from the concerned Union Ministry in accordance with Article 256 (2) of the Constitution of India, as applicable to the State, except in respect of the Defence Ministry, which has already authorized the respective Defence Estates Officer for the purpose.

V. in respect of the Autonomous Bodies/Corporations /Agency under the Government of India, the indent shall be placed by the respective Head of the Autonomous Body/Corporation/Agencies, subject to the condition that the transfer of immovable property to such Autonomous Body/Corporation/agency is permissible under section 140 of the Transfer of Property Act, Samvat 1977.

VI. before entaining any requisition/indent for acquisition/transfer/lease of land, it shall be incumbent upon every Deputy Commissioner to ensure that such a requisition/indent has been made for a public purpose as defined in the Land Acquisition Act.

All the concerned are advised to adhere to these instructions in letter and spirit.

Sd/-
(Mohammad Ashraf Mir)
Commr/Secretary to Government
Revenue Department

No:- Rev/LAJK/375/2016 Dated:- 30-12-2016

Copy to the:-

1. Financial Commissioner, Planning, Development and Monitoring Department.
2. Principal Secretary to the Hon'ble Chief Minister.
3. Director General of Police, J&K, Jammu.
4. Financial Commissioner, Revenue, J&K, Jammu.
5. Principal Resident Commissioner, J&K Government, New Delhi.
6. All Administrative Secretaries_____.
7. Divisional Commissioner Jammu/Kashmir.
8. All Deputy Commissioners_____.
9. All Heads of the Departments_____.
10. Vice Chairman Jammu Development Authority.
11. Vice Chairman Srinagar Development Authority.
12. Commissioner Jammu/Srinagar Municipal Corporation.
13. All Collectors of Land Acquisition_____.
14. Private Secretary to the Hon'ble Minister for Revenue.
15. Private Secretary to the Hon'ble MoS Revenue.
16. Private Secretary to the Commissioner/Secretary to Government Revenue Department.
17. Office file.

30/12/2016

(Ghulam Rasool) KAS
Deputy Secretary to Government
Revenue Department

30/12/2016