Government Of Tamil Nadu

Abstract

Purchase of land for providing house sites through private negotiation for Tsunami affected people – Delegation of powers to the District Level Negotiation Committee– Orders – Issued.–

Revenue (LA 1(1)) Department

G.O. Ms. No: 75

Dated: 10.2.2005

Read again:

2. G.O. Ms.No.1246, Revenue, dated 22.11.96.

ORDER:

In the G.Os first and second read above, the Government constituted District Level Negotiation Committee and a State Level Negotiation Committee for fixing the land value for acquisition of Land through negotiations for Government Departments. According to the orders issued in the above G.O’s., the District Level Committee is conferred with powers for approval of negotiated price up to Rs.20 lakhs where the land value is equal to or less than 150% of the market value or guideline value whichever is lower. The State Level Committee has been vested with the powers to approve negotiated price exceeding Rs.20 lakhs, where the land value is equal to or less than 150% of the market value or guideline value which ever is lower. When the negotiated value of the land per acre/hectare is above 150% of the market/guideline value, the Government will decide the case and issue final orders.

2. In his letter third read above, the Collector, Kannyakumari district, has stated that the Tsunami tidal waves which struck coastal villages of Kannyakumari district on
26.12.2004 have done incalculable damage to the lives and properties of the coastal inhabitants. Thousands of kaccha houses have been completely washed away and extensive damages have been caused to thousands of pucca houses. The District Administration is taking earnest steps to rehabilitate the homeless fishermen. In Kanyakumari district most of the lands are highly valuable. As the lands have to be acquired in large extents, the land value will easily exceed the present ceiling of Rs.20 lakhs fixed for the District Level Negotiation Committee. He has, therefore, requested that the powers vested with the State Level Committee and Government may be delegated to the District Level Committee so that the District Level Committee can purchase lands beyond the present ceiling of Rs.20 lakhs and 150% of guideline/Market value to provide lands to the Tsunami affected people on a war footing. Similar requests have been received from other Collectors also. In his letter fourth read above, the Special Commissioner and Commissioner of Land Administration has recommended the above proposal of the Collector of Kanyakumari district.

3. The Government have examined the proposal of the Collector of Kanyakumari district. The relief and rehabilitation measures have to be carried out on war footing in all the Tsunami affected areas of Tamil Nadu. The procedure to be adopted for acquisition of lands for the Rehabilitation of the Tsunami affected people must be simple and fast. The acquisition of lands under Land Acquisition Act, 1894 takes an unduly long time and consequently the land does not become available in time for the public purpose for which it is required. The compensation payable under Land Acquisition Act, 1894 works out to 142% in one year, which includes 100% land value, 30% solatium and 12% additional market value per annum. There is additional expenditure towards cost of staff, publication of notification etc. besides cost involved in rehabilitation of the dispossessed people. In case court awards enhanced compensation, besides the enhanced compensation, interest also has to be paid on the excess compensation so awarded. As most of the Tsunami affected people are fishermen living by the seashore, the lands to be acquired for the construction of houses for them have to be located preferably in the coastal areas. The lands near the coast are normally highly valuable and scarce. Therefore, delegation of some more powers for the District Level Committee is imperative to purchase the lands required through private negotiation to put the rehabilitation measures on a fast track. However the Government consider that the powers so delegated should not be plenary and should have a limit.

4. The Government after careful examination consider that 200% of the market value/guideline value whichever is lower would be a reasonable limit. Accordingly the Government direct that the District Level Negotiation Committee be empowered to purchase lands through private negotiations up to a maximum of 200% of the Market value or guidelines value whichever is lower without any monitory ceiling for the Rehabilitation of the Tsunami affected people. These powers are delegated to the District Level Negotiation Committee as a special case and restricted to direct purchase of land for housing Tsunami victims alone. For all other purposes, the existing delegation of powers ordered in the G.Os first and second read above will continue.

5. This order issues with the concurrence of Finance Department vide its U.O.No.10346/Fin(Rev)/05 dated 10.2.2005.
(BY ORDER OF THE GOVERNOR)

N. SUNDARADEVAN,
SECRETARY TO GOVERNMENT.

To

The Special Commissioner and Commissioner of Revenue Administration, Chennai-5
All Heads of Departments,
All Collectors,
All District Revenue Officer,
All Departments of Secretariat,

Copy to:
All Officers/Sections in Revenue Department
SF/SC

/forwarded by order/

Section Officer