

GOVERNMENT OF ODISHA
REVENUE AND DISASTER MANAGEMENT DEPARTMENT

No. LA (A)-13//2013 (Misc) 11570 /R&DM, Dated: 2.04.13

From: Dr. Taradatt, IAS
Principal Secretary
Revenue & D.M Department,

To

All Collectors
All Land Acquisition Officers
All Special Land Acquisition Officers

Sub: Instructions regarding observance of provisions of Sec 5-A of L.A. Act. 1894.

Sir/Madam,

I am directed to invite a reference to Section-5-A of L.A. Act.1984 where in it has been provided for filing of objections by any person interested to the notification u/s-4(1) for acquisition of land. Executive Instructions No. 16 & 17 of L.A. Manual prescribes the procedure to be followed by the Collector and LAO/Spl LAO in dealing with the objections filed u/s-5-A. The Legislative intention of this section is to allow the land losers the opportunity to contest the propriety of acquisition and the opportunity of being heard. But it has come to the notice of Government that the provisions of Sec-5-A are not adhered to in some cases.

Provisions u/s-5-A are mandatory which must be complied within the timeline after publication of 4(1) notification & before submission of draft declaration papers u/s-6(1) of LA Act. It is noted with concern that Collectors/LAOs/Spl LAOs are not following these provisions and where followed; those are not in accordance with the procedure charted in Executive Instruction No. 16 & 17. This has not only resulted in lapses, but also in court cases, quashing of the L.A. proceedings by court, law & order situation and contrary observations of C&AG.

In view of the above situation, and to bring fairness and transparency in L.A. cases; it is urged upon to strictly observe the provisions of Sec-5-A and the procedure prescribed in Executive Instructions No- 17 without any deviation as follows:-

- 1) Service of Public Notice of 4(1) notification in the locality should be made strictly in accordance with law.
- 2) Objections filed u/s-5-A should be received within the statutory period of 30 days from the date of the publication of the notification & entered in a Register.
- 3) On expiry of the statutory period of 30 days, the Collector should serve notices on the persons who filed objections fixing a date, time and place for hearing of the objections. The collector should hear the objector or his pleader and the representative, if any.

- 4) The Collector shall finish the hearing and enquiry on all such objections within one month from the expiry of the statutory period of 30 days allowed for flinging of objections.
- 5) The Collector shall then forward the objections to the Govt. with his report containing his recommendations together with the record of the proceedings held by him for decision of the Govt.
- 6) After receipt of the decision of the Govt., the Collector would send Draft Declaration Papers u/s-6(1) stating clearly the facts of receipt objections u/s - 5-A and the decision of the govt. as communicated to him thereof. If no objection has been received u/s-5-A, the Collector shall report and append a certificate on the Draft Declaration Papers stating clearly that "In this L.A. proceedings no objection u/s-5-A has been filed by any person interested on the land notified for acquisition u/s-4(1) of L.A. Act-1894."

Collectors/LAOs/Spl LAOs should bear in mind that no proposal for 6(1) declaration should be sent to Govt. without mentioning the facts of receipt of objections u/s-5-A. If any such proposal is sent which is wanting in information/certificate about 5-A objections; accountability shall be fixed on the officer concerned and the defective 6(1) proposal will be returned.

All concerned are requested to follow the instructions scrupulously.

Yours faithfully



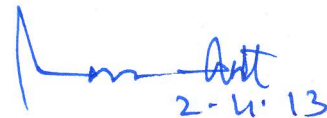
Principal Secretary to Government

Memo No. 11571 /R&DM Dated: 2.04.13
Copy forwarded to all RDCs for information and necessary action.



Principal Secretary to Government

Memo No. 11572 /R&DM Dated: 2.04.13
Copy forwarded to IDCO / G.A Deptt. /Water Resources Deptt/Works Deptt/ Commerce & Transport Deptt/H&UD Deptt./ Industry Deptt./Department of Energy/Deptt. of Steel & Mines/ R.D Deptt. / P.R. Deptt. for information and necessary action.



Principal Secretary to Government