

PART IV

ACQUISITION OF LANDS AND COMPENSATION

27. Whenever, in the course of proceedings under this Act, save as hereinafter provided, it appears that land is required for any of the purposes thereof, proceedings shall be forthwith taken for the acquisition of such land in accordance with the provisions of the Land Acquisition Act, 1894, or other law for the time being in force for the acquisition of land for public purposes.

Acquisition of land

28. Subject to the provisions of section 5, whenever any land other than land required or taken by the Engineer, or any right of fishery, right of drainage, right to the use of water or other right of property, shall have been injuriously affected by any act done or any work executed under the due exercise of the powers or provisions of this Act, the person in whom such property or right is vested may prefer a claim by petition to the Deputy Commissioner for compensation:

Compensation for damages

Provided that the refusal to execute any work for which application is made shall not be deemed to be an act on account of which a claim for compensation can be preferred under this section.

29. No claim under the last preceding section shall be entertained which shall be made later than two years next after the completion of the work by which such right is injuriously affected.

Limitation to claims or damages

30. When any such claim is made, proceedings shall be taken for determining the amount of compensation, if any, which should be made and the person to whom the same should be payable, as far as possible, in accordance with the provisions of the Land Acquisition Act, 1894, or other law for the time being in force for the acquisition of land for public purposes.

Procedure for compensation

31. In every such case which is referred to the judge and assessors or to arbitrators for the purpose of determining whether any, and if so, what amount of compensation should be

Matters to be and not to be considered in determining compensation

awarded, the judge and assessors or the arbitrators-

(i) shall take into consideration-

- (a) the market-value of the property or right injuriously affected at the time when the act was done or the work executed,
- (b) the damage sustained by the claimant by reason of such act or work injuriously affecting the property or right,
- (c) the consequent diminution of the market-value of the property or right injuriously affected when the act was done or the work executed, and
- (d) whether any person has derived, or will derive, benefit from the act or work in respect of which the compensation is claimed or from any work connected therewith, in which case they shall set off the estimated value of such benefit, if any, against the compensation which would otherwise be decreed to such person; but

(ii) shall not take into consideration-

- (a) the degree of urgency which has led to the act or work being done or executed, and
- (b) any damage sustained by the claimant, which if caused by a private person, would not in any suit instituted against such person justify a decree for damages.

Acquisition of
land in
emergency

32. Notwithstanding anything contained in any other law for the time being in force, whenever any land or earth from any land is required for the purposes of any works commenced in pursuance of the provisions of section 24 or for the purposes of section 18 in cases where the Deputy Commissioner shall be of opinion that proceedings for the acquisition of such land, according to the provisions of section 27, would cause delay, he shall cause a proclamation to be issued in the prescribed form giving notice thereof at convenient places in the locality in which such land is situated, whereupon the land shall, subject to the claims for compensation, vest absolutely in the Government or the Authority, free from all encumbrances. The Deputy Commissioner may take actual possession of the land as soon as it so vests in the Government or the Authority.

33. Whenever any land vests in the Government or the Authority under the provisions of the next preceding section, the Deputy Commissioner shall cause a general notice to be issued in the prescribed form at convenient places on or near the land so vested, stating that the Government or the Authority shall take possession of the land, and that claims to compensation for all interests in such lands shall be made to him.

Claims for compensation in case of acquisition of lands in emergency

34. The Deputy Commissioner shall also serve notice to the same effect on the occupier (if any) of such land, and on all such persons known or believed to be interested therein, or to be entitled to act for persons so interested, as reside, or have agents authorised to receive service on their behalf, within the revenue districts in which the land is situated.

Service of special notice

35. After service of such notices, proceedings shall be had and taken to determine the amount of compensation to be payable in respect of such land, in accordance with the provisions of the Land Acquisition Act, 1894, or any other law for the time being in force for the acquisition of land for public purposes.

Determination of compensation for acquisition of land in emergency

PART V

COST OF WORKS, PROCEEDING, ETC.

1. Ascertainment of costs

36. (1) The provisions of section 39 and the remaining sections of this Part following it shall not apply-

Embankment in Schedule A

- (i) to any embankment mentioned in Schedule A to this Act; or
- (ii) to any embankment or water-course which may, under the proviso to section 37, be restored to, or, under section 38, be included in such Schedule save so far as any works or repairs are to be done or executed therein or in relation thereto under the provisions of section 15 or of section 19; or