

Kerala Land Development Corporation Limited (Special Powers) Amendment Act, 1977

15 of 1977

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Kerala Land Development Corporation Limited (Special Powers) Amendment Act, 1977

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An Act to amend the Kerala Land Development Corporation limited (Special Powers) Act, 1974. WHEREAS it is expedient to amend the Kerala Land Development Corporation Limited (Special Powers) Act, 1974, for the purposes hereinafter appearing; BE it enacted in the Twenty-eighth Year of the Republic of India as follows: - 1. Received the assent of the Governor on 12-08-1977 and published in the Kerala Gazette Extraordinary No.470 dated 12-08-1977 .

1. Short Title :-

This Act may be called the Kerala Land Development Corporation Limited (Special Powers) Amendment Act, 1977.

2. Amendment Of Section 2 :-

In section 2 of the Kerala Land Development Corporation Limited (Special Powers) Act, 1974 (5 of 1974) (hereinafter referred to as the principal Act), -

- (i) clause (a) shall be re-lettered as clause (aa), and before clause (aa) as so re-lettered, the following clause shall be inserted,

namely: -

(a) appellate authority means an officer not below the rank of Deputy Collector, appointed by the Government to be an appellate authority for the purposes of this Act;;

(ii) for clause (c), the following clause shall be substituted, namely:

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(c) Inquiring Officer means an officer appointed as such by the Corporation or by the Government or by an officer authorised by the Government in this behalf;.

3. Amendment Of Section 3 :-

In section 3 of the principal Act, -

(i) in subsection (1), clause (c) shall be omitted.

(ii) in sub-section(2), for the words the Corporation shall appoint an officer called the Inquiring Officer, the words the Corporation or the Government or an officer authorised by the Government in this behalf shall appoint an Inquiring Officer shall be substituted.

4. Amendment Of Section 5 :-

In section 5 of the principal Act, -

(a) in sub-section (2), -

(i) in the opening paragraph, for the words in a newspaper which, in the opinion of the Corporation, has the widest circulation in the locality, the words in two or more newspapers having wide circulation in the locality as may be determined by the Corporation shall be substituted;

(ii) in clause (b), the words or within such further period not exceeding fifteen days as such officer may for sufficient reasons allow shall be inserted at the end;

(b) subsection (3) shall be omitted.

5. Amendment Of Section 14 :-

In section 14 of the principal Act, -

(a) in sub-section (1), -

(i) for clause (e), the following clause shall be substituted, namely:

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(e) the principles of apportionment of the cost of such works;;

(ii) for clause (h), the following clause shall be substituted namely:

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(h) restrictions, if any, on the rights of the owners as regards the

use of any such work;and;

(b) in subsection (3), for the word statement, the words relevant extracts from the statement shall be substituted;

(c) after subsection (3), the following sub-section shall be inserted namely: -

(4) Any person aggrieved by any entry in the statement prepared under sub-section (1) may file his objection to the Corporation within fifteen days of the service of the extracts under sub-section (3), and the Corporation shall, after giving such person an opportunity of being heard, decide the objection.

6. Insertion Of New Sections 14A And 14B :-

After section 14 of the principal Act, the following sections shall be inserted, namely: -

14A. Interim payment of cost . -(1) Every owner benefited by any work under a scheme shall, on demand by the Corporation at any time after his land has been made fit for enjoying the benefit and before the publication of the statement under sub-section (2) of section 14, be liable to pay the estimated cost of such work, in such manner and in such number of instalments as may be specified by the Corporation.

(2) Any amount paid under subsection (1) shall be adjusted towards the cost payable by him under section 10.

14B. Additional liability to be apportioned among owners. -(1) If as a result of any modification in appeal or otherwise of the statement prepared under sub section (1) of section 14, the cost of the works under a scheme exceeds the cost specified in the statement prepared under that sub section, the Corporation may apportion the difference among the owners of the lands benefited by the scheme in the same proportion in which the cost has been apportioned among them.

(2) The provisions of this Act shall, so far as may be, apply in relation to the amount payable under sub-section (1) as they apply in relation to the cost specified in the statement prepared under sub-section (1) of section 14.

7. Amendment Of Section 16 :-

In section 16 of the principal Act, -

(a) for sub-section (1), the following sub-sections shall be substituted, namely: -

(1) Any owner or other person liable under section 10 to pay the

cost or part of the cost of any work or to pay any amount by way of contribution, who objects to such liability, or any owner or other person who is aggrieved by any decision of the Corporation under sub-section (4) of section 14 or under sub-section (3) of section 15, may, within such time as may be prescribed, appeal to the appellate authority.

(1a) On receipt of an appeal under sub-section (1), the appellate authority shall, after giving the appellant and the Corporation a reasonable opportunity of being heard either in person or by a representative pass such order on the appeal as it deems fit.;

(b) in sub-section (2), for the words Subordinate Judge, the words appellate authority shall be substituted;

(c) sub-section (3) shall be omitted.

8. Insertion Of New Sections 21A And 21B :-

After section 21 of the principal Act, the following sections shall be inserted, namely: -

21A. Delegation of powers and functions of Corporation. - The Corporation may delegate any of its powers and functions under this Act to the Managing Director of the Corporation or to any Committee of Directors of the Corporation consisting of two or more such Directors.

21B. Execution of agreement for certain purposes. - Nothing contained in this Act shall be deemed to prevent any person from entering into an agreement with the Corporation regarding payment of the cost in advance, the mode and manner of payment of the cost and interest thereon and such other matters connected therewith, and where such an agreement is executed, the matters specified therein shall be regulated in accordance with the provisions of such agreement.

9. Repeal And Saving :-

(1) The Kerala Land Development Corporation Limited (Special Powers) Amendment Ordinance, 1977 (7 of 1977), is hereby repealed.

(2) Notwithstanding such repeal, anything done or deemed to have been done or any action taken or deemed to have been taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act, as if this Act had come into force on the 21st day of February, 1977.

