

Maharashtra Acquisition Of Lands For Lower Panzra Medium Irrigation Project (Validation) Act, 1994

54 of 1994

[30 December 1994]

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PREAMBLE

An Act to validate the acquisition of lands made or purporting to have been made for the purposes of Lower Panzra Medium Irrigation Project in Sakri Taluka of Dhule District.

WHEREAS, both Houses of the State Legislature were not in session;

AND WHEREAS, the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action to make a law for the purposes hereinafter appearing; and, therefore, promulgated the Maharashtra Acquisition of Lands for Lower Panzra Medium Irrigation Project (Validation) Ordinance, 1994, on the 3rd October, 1994;

AND WHEREAS, it is expedient to replace the said Ordinance by an Act of the State Legislature; It is hereby enacted in the Forty-fifth Year of the Republic of India as follows :--

1. Short Title And Commencement :-

(1) This Act may be called the Maharashtra Acquisition of Lands for Lower Panzra Medium Irrigation Project (Validation) Act, 1994.

(2) It shall be deemed to have come into force on the 3rd day of October, 1994.

2. Revival And Repeal Of Mah. Xli Of 1976 :-

(1) Notwithstanding the repeal of the Maharashtra Resettlement of Project Displaced Persons Act, 1976 by the Maharashtra Project Affected Persons Rehabilitation Act, 1986, on the 1st January, 1990, for the purpose of this Act, that Act shall be deemed to have been revived, re-enacted and to have full force.

(2) The Act so revived and re-enacted shall, with effect from the 24th September, 1986, apply to the Projects notified under section 11 thereof with the following modifications, that is to say :--

(a) in section 2 of the said Act, --

(i) for clause (1), there shall be substituted the following clause, namely :--

"(i) "affected zone", in relation to a Project, means the lands which constitute the area of the affected zone under that Project in the villages or areas specified in the notification issued under sub-section (1) of section 11;"

(ii) for clause (3), there shall be substituted the following clause, namely:--

"(3) "benefited zone", in relation to a Project, means the lands which constitute area of the benefited zone under that Project in the villages or areas specified in the notification issued under sub-section (1) of section 11;"

(iii) in clause (8), for the words and figures "declared to constitute a n affected zone under section 15", there shall be substituted "specified to constitute an affected zone";

(iv) for clause (11), there shall be substituted the following clause, namely:--

"(11) "land pool" means the lands which shall consist of --

(a) Government waste lands;

(b) Government forest lands which are available or which may be available, for cultivation after deforestation;

(c) lands which may be included in the benefited zone, or in any village or area to be specified under section 10 and which may be acquired under the Land Acquisition Act, 1894, in accordance with the provisions of section 16;

(d) lands acquired under section 16;

(e) any other land vesting in the State Government and available for the resettlement of displaced persons;"

- (b) sections 13, 14 and 15 shall be deemed to have been deleted;
- (c) in section 19 of the said Act, in sub-section (1), for the portion beginning with the words "as soon as" and ending with the words "and also", there shall be substituted the following, namely :--
"publish a public notice in the Official Gazette and also in the manner";
- (d) in section 20 of the said Act, in sub-section (1), there shall be deleted the words and figures "and on the basis of the assessment of land made under section 13;"
- (3) The said Act so revived, re-enacted and amended as aforesaid shall be and shall be deemed to have been repealed on the 1st January, 1990.

3. Validation Of Acquisition Of Land Under Section 16 Of Mah. Xli Of 1976 :-

Notwithstanding anything contained in the Maharashtra Resettlement of Project Affected Persons Act, 1976 (hereinafter referred to as "the old Act"), before its revival, re-enactment, amendment and repeal by this Act or in any judgment, decree or order of any court, --

- (a) every acquisition of land or rights in or over land made or purporting to have been made under the old Act for the purposes of the Lower Panzra Medium Irrigation Project in Sakri Taluka of Dhule District, during the period commencing on the 24th September, 1986 and ending on the 31st December, 1989, and any action taken or anything done (including any order made, agreement entered into, or any notice or notification published) in connection with such acquisition shall be, and shall be deemed always to have been valid and effective in accordance with law; and no such acquisition made, action taken or anything done shall be called in question in any court of law or shall be deemed to be invalid or ever to have become invalid merely on the ground that before publishing any notification in connection with acquisition of land for the purposes of the said Irrigation Project in accordance with the provisions of section 16 of the old Act and the Land Acquisition Act, 1894, the provisions of sections 13, 14 and 15 of the old Act, before its revival, re-enactment, amendment and repeal by this Act, were not complied with, in part or in whole;
- (b) no suit or legal proceeding shall be maintained or continued in any court on the ground referred to in clause (a).

4. Repeal Of Mah. Ord. Xv Of 1994 :-

The Maharashtra Acquisition of Lands for Lower Panzra Medium Irrigation Project (Validation) Ordinance, 1994 is hereby repealed.