

## **Tamil Nadu Acquisition Of Land For Industrial Purposes Rules, 2001**

**[21 September 2001]**

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## **Tamil Nadu Acquisition Of Land For Industrial Purposes Rules, 2001**

**[21 September 2001]**

In exercise of the powers conferred by sub-section (1) of section 25 of the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997 (Tamil Nadu Act 10 of 1999), the Governor of Tamil Nadu hereby makes the following Rules:-

### **1. Short Title :-**

These rules may be called the Tamil Nadu Acquisition of Land for Industrial Purposes Rules, 2001.

### **2. Definitions :-**

In the Rules, unless the context otherwise requires,

- (i) (a) "Act means the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997 (Tamil Nadu Act 10 of 1999);
- (b) "Form" means a form appended to these rules;
- (c) "Section" means a section of the Act;
- (ii) words or expressions used but not defined in these rules shall have the same meaning respectively, assigned to them in the Act.

### **3. Issue Of Show Cause Notice By The Government :-**

The show cause notice specified in sub-section (2) of Section 3 shall be in Form A.

### **4. Publication Of Public Notice :-**

The Government shall cause a public notice of the substance of the show cause notice issued under sub-section (2) of section 3 in Form B. The notice shall be published at convenient places in the locality and copies thereof fixed up in the offices, of the Collector and the Tahsildar.

### **5. Statement Of Objections :-**

The statement of objections should mention how the objector is interested in the land.

Hearing of objections by the Government:-

- (a) If a statement of objections filed by a person who is not interested in the Land, it shall be summarily rejected.
- (b) If any objections are received from a person interested in the land, within the time prescribed in rule 3 or 4, the Government shall fix a date for hearing the objections and give

notice thereof to the objector or as well as to the department or company requiring the land. Copies of the objections shall also be forwarded to such department or company. The Department or company may file on or before the date fixed by the Government, a statement by way of answer to the objections and may also depute a representative to attend the enquiry.

(c) On the date fixed for enquiry or any other date to which the enquiry may be adjourned by the Government, the Government shall hear the objector, or a person authorised by him in this behalf, or his pleader and the representative, if any, of the department or company and record any evidence that may be produced by both in support of the objections and in support of the need for acquiring the land.

## **6. Section 6 :-**

### **7. Publication Of Notice :-**

On consideration of the objections and reports thereon, if the Government decide that the land should be acquired the Government shall publish a notice in the Tamil Nadu Government Gazette as required under sub-section (1) of section 3 in Form C.

### **8. Withdrawal Of Land From Acquisition :-**

The notice for withdrawal of land from acquisition under the first proviso to sub-section (1), of Section 4, the possession of which was not actually taken by, or on behalf of, the Government, shall be in Form D.

### **9. Surrender Or Deliver Possession Of Land :-**

The order of the Government to surrender or deliver possession of the land as required under sub-section (2) of Section 4 shall be on the line specified in the Form E.

### **10. Determination Of Amount By Agreement :-**

The agreement to be executed by the Government and the person to whom the amount has to be paid under sub-section (2) of section 7 shall be in Form F.

### **11. Proceedings Of The Collector Determining The Amount :-**

The proceedings of the Collector determining the amount the under section 7 shall be on the lines specified in Form G. The Collector need not fill up this Form in his own hand but he shall sign it. A copy of the proceedings shall be furnished free of charge to the person interested.

Form A

(See rule 3.)

show cause notice under sub-section (2) of section 3 of the Tamil Nadu acquisition of land for industrial purposes, act, 1997 (Tamil Nadu act 10 of 1999).

Whereas it appears to the Government of Tamil Nadu that the land/lands specified in the Schedule below and situated in the.....village..... taluk.....District is / are needed for an Industrial purpose to wit for ..... Notice to that effect is hereby given to all whom it may concern in accordance with the provisions of sub-section (2) of section 3 of the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997 to show cause within thirty days from the date of giving public notice why the land / lands should not be acquired.

The Schedule

Form B

(See Rule)

Public Notice under Sub-section (2) of Section 3 of the Tamil Nadu acquisition of land for industrial Purposes Act 1997 (Tamil Nadu Act 10 of 1999).

Under sub-section (2) of Section 3 of the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997 (Tamil Nadu Act 10 of 1999), notice is hereby given that the land / lands specified in the schedule and situated in the village of.....in the taluk of.....in the district of.....is/are

required for Industrial purposes, to wit, for.....All persons interested in the land / lands is / are, accordingly required to lodge before the.....Department within thirty days from the date of publication of this notice, a statement in writing of their objections, if any, to the acquisition of the said lands. Any objection / statement which is received after the date or which does not clearly explain the nature of the senders interest in the land is liable to be summarily rejected. Objections received within the date, if any will be enquired into on ..... at.....when the objectors will be at liberty to appear in person or by a person or persons authorised by him or them in this behalf or by a pleader and to adduce any oral or documentary evidence in support of their objections.

Form C

(See rule 7.)

form of notice under sub-section (1) of section 3 of the Tamil Nadu acquisition of land for industrial purposes act, 1997 (Tamil Nadu act 10 of 1999).

The Government of Tamil Nadu having been satisfied that the land / lands specified in the schedule below has / have to be acquired for Industrial Purpose to wit to ..... and it having already been decided that the entire amount of compensation to be awarded for the land / lands is to be paid out of the lands controlled or managed by.....the following notice is issued under sub-section (1) of Section 3 of the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997.

Notice

Under sub-section (1) of section 3 of the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997 (Tamil Nadu Act 10 of 1999), the Governor of Tamil Nadu hereby acquires the land / lands specified in the Schedule below and measuring.....hectare /acres to t h e same, a little more or less needed for Industrial purposes, to wit, for.....

The plan of the land / lands is / are kept in the office of the.....and may be inspected at any time during office hours.

The Schedule

Survey No.

Description

Extent required/acquired

Owner/person interested.

Form D

(See rule 8.)

notice under sub-section (1) of section 4 of the Tamil Nadu acquisition of land for industrial purposes act, 1997 (Tamil Nadu act 10 of 1999).

Under sub-section (1) of section 4 of the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997, the Governor of Tamil Nadu hereby withdraws from acquisition the land / lands specified in the Schedule below in respect of which notice under sub-section (1) of Section 3 was published by the.....Department at page.....of Part..... Section.....of the Tamil Nadu Government Gazette, dated the.....and actual possession of which was not taken by, or on behalf of, the Government.

The Schedule

Survey No.

Description

Extent required/acquired

Owner/person interested.

Form E

(See rule 9.)

Government of Tamil Nadu.....Department

Under sub-section (2) of section 4 of the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997 (Tamil Nadu Act 10 of 1999), the Governor of Tamil Nadu hereby directs that the person who is in possession of, to surrender or deliver possession thereof to the Collector within thirty days of the service of this order, the following land / lands specified in the Schedule below in respect of which notice under sub-section (1) of Section 3 was published by the

..... Department ..... at Page.....of  
Part.....Section.....of the Tamil Nadu Government  
Gazette, dated the  
The Schedule  
Survey No.  
Description  
Extent required/acquired  
Owner/person interested.  
Form F  
(See rule 10)

agreement to be executed when land is acquired for industrial purposes under sub-section (2) of section 7 of the Tamil Nadu acquisition of land for industrial purposes act, 1997. (Tamil Nadu act 10 of 1999)

An Agreement made this.....day of  
.....2001 of between the Governor of Tamil Nadu acting through.....  
(hereinafter called the "Government") on the one part and (hereinafter called the Owner/person interested which expression shall, unless repugnant to the context or meaning thereof, include his / their successors and assignees) on the other part.

Whereas, the right, title and interest of the owner / person interested in the following land / lands (hereinafter called the "land / lands" is / are as specified below:-

(a) Owner being the absolute owner of the property or having an interest therein, capable of leading to ownership ultimately, hereinafter mentioned and hereby conveyed in the following shares:-

( 1 ) .....son  
of.....  
share.....

( 2 ) .....son  
of.....  
share.....

( 3 ) .....son of  
.....  
share.....

(b) Where the land / lands are held by the person interested under the owners named hereinafter with respective terms and nature of interest:-

( 1 ) .....son of  
.....Definite

term and nature of interest:-

( 2 ) .....son  
of.....Definite

term and nature of interest:-

( 3 ) .....son  
of..... Definite term and nature of interest:-

And whereas, the said land/lands specified in the Schedule below have been acquired under the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997, in respect of which notice under sub-section (1) of Section 3 was published by the.....Department in Part

.....Section.....of  
the Tamil Nadu

Government Gazette, dated the

And, Whereas, the owner / person interested agrees to the deduction of the total amount deposited in case any or all of the thing(s) attached to the earth or permanently fastened to anything attached to the earth is withdrawn with the prior approved of the Government.

And, Whereas, the owner / person interested further agrees to the deduction of the amount to be mentioned in case they are allowed to harvest the standing crop thereon, by the Government.

Now, therefore, the owner/person interested do hereby agrees with the Government as follows:-

(1) The Government shall be competent to pay the amount determined as per the terms of this agreement, without any further enquiry which is required to be held under the provisions of the

Act.

(2) If the Government deem it necessary to take immediate possession of the land under acquisition even though there is a standing crop on it, the Government will be entitled to do so provided that compensation for the standing crop is paid.

(3) The owner/person interested shall not claim any amount in addition to the amount agreed upon as aforesaid as compensation and accept it without any protest.

(4) If it hereafter or after the payment of compensation transpires that the owner / person interested is not entitled to the entire amount of compensation paid by the Government in terms of this agreement in respect of the said land/lands as mentioned at the end, the Government is required to pay any compensation to any other person, the owner/person interested shall on demand refund to the Government the entire amount of money received by the owner/person interested or such amount as may be determined by the Government as refundable by the owner/person interested to the Government and shall also indemnify jointly and severally the Government against any claim or compensation or part thereof by any other person and against all proceedings and liabilities of any loss or damage suffered by any cost, charges or expenses incurred by the

Government by reason of the payment to the owner/person interested and the owner/person interested shall pay the interest at the rate of nine percent on the amount so refundable for the first year and at the rate of fifteen percent for the subsequent years.

(5) If the owner / person interested fails to refund to the Government the amount mentioned in the preceding paragraph, the Government shall have the full right to recover the same as arrears of land revenue or undertake to proceed under any law in force for recovery of such amount.

(6) Without prejudice to any other remedies for the enforcement of any refund or indemnity, the Government may recover any sum determined to be due and payable by the owner/person interested to the Government by way of refund or otherwise under these presents as an arrear of land revenue.

(7) If any, Government dues / shares / premium from this land / lands are payable by the owner / person interested and the lands of any public financial institutions are outstanding against the land / lands, the same shall be deducted from the said compensation amount that may be determined

under these presents.

(8) The Government shall bear the stamp duty payable in respect of this agreement.

The Schedule

Village .....

Taluk .....

District .....

In witness whereof, this.....acting for and on behalf of the party of the one part and.....the party of the other part have set their hands, hereunder.

(Signature of the party of the one part)

Full Name

Designation

Witnesses:-

1. ....

2. ....

3. ....

(Signature of the party of the other part)

Full Name .....

Address .....

Witnesses:-

1. ....

2. ....

3. ....

Form G

(See rule 11)

Award

Proceedings determining amount under the Tamil Nadu Acquisition of Land for Industrial

Purposes Act, 1997 (Tamil Nadu Act 10 of 1999)

An extent of.....Hectares of Dry / Wet Land in

R.S.No.....in Chitta

No..... has been accounted for in the accounts of village..... The total extent is.....Hectares.

The extent under acquisition is..... Hectares. Separate Sub-Division

No.....has been awarded to the extent under acquisition. The Pattadars of the

above lands are enjoying the lands and remitting necessary land revenue and other related taxes. The lands are owned by them by purchase / heredity. No other person has

made any claim of ownership on those lands. There are no trees, wells, structures, ancient antiques that will hurt the religious feeling of the public. There are no encumbrances. Every person to whom the amount has to be paid was given an opportunity to state his case as to the amount as required under sub-section (5) of the section 7 of the Act. The land owners have given their consent to receive the amount determined without any objection. They have not objected to acquire the land. Therefore, the amount determined pertaining to the acquisition of lands are as follows and

shall be paid to Thiru.....

Land Value for Rs. ..

S.No.....Dry/Wet Extent ..

.....Hectare at the rate of Rs. ..

per hectare.

Buildings ..

Trees ..

Total Land values Rs. ....

Total amount determined Rs. ....

(Rupees.....only)

Name and address of the Land extent owned Amount due

Owner/person interested Rs. P.

Conclusion:

#### 1. Statement of Objects And Reasons

Provision of suitable sites for location of Industries is a pre-requisite for quick establishment of industries. For the speedy industrial growth of this State, it is felt that lands for industrial purposes have to be acquired speedily so as to achieve the object. Therefore, the Government have decided to make special provisions for speedy acquisition of lands for industrial purposes by undertaking a special legislation.

The Act seeks to give effect to the above decision.

#### 2. Memorandum Regarding Delegated Legislation:-

Clauses 1(3), 2(c), 3, 4, 7(11), 24 and 25 of the Bill authorise the Government to issue notifications, notices, orders and to make rules, as the case may be, for the purposes specified therein.

The powers delegated are normal, and not of an exceptional character.

#### 3. Financial Memorandum:-

The provisions contained in sub-clause (1) of clause 7 of the Act, enables the Government to pay an amount for the acquisition of the land for the purpose under the legislation. It involves expenditure from the Consolidated Fund of the State. It is, however, not possible, at this stage, to state with any degree of accuracy, the probable amount of the expenditure to be involved.