

GOVERNMENT OF MAHARASHTRA



Manual of Land Acquisition

FOR

STATE OF BOMBAY

written by

F. G. HARTNELL ANDERSON, M.A. (Oxon.), I.C.S.
Commissioner of Settlements, etc., and Director of Land Records

[*Corrected up to 31st December 1968*]

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PREFACE

The scope of this work, as explained in paragraph 1, hardly falls within the definition of a Manual, if one understands thereby a set of condensed rules, put up in an easily portable size. Most of our so-called Manuals are, as this work is, in reality very comprehensive treatises compiled from the special point of view of the departmental officer.

2. When I am mainly reproducing the orders of Government and plain inferences from the text of the Acts and rulings, I have used larger type: when I am weaving my own tissue, doubtless out of authentic material but still in my own language and form, the type is smaller. Though published by order and with the approval of Government, no one will deem Government bound by any opinion, interpretation, or criticism, which I have thought fit to embody. The language used does not I believe anywhere leave room for doubt as to the passages in which I am giving my own opinions or suggestions, and those in which I am reciting definite Standing Orders.

3. A work of this type is by no means finished when published. It will be continuously revised, and will, I trust, remain alive in the sense of constantly assimilating itself to new requirements. Any suggestions to expand, modify, or correct the present text will always be welcomed by me or my successors in the task of its maintenance. Except the chapter on Valuation, most of the work is naturally a compilation in which I have used much the same materials as previous commentators. The Valuation chapter has benefited by the expert and patient criticism of Mr. A. E. Mirams, F. S. I., F. S. A., Consulting Surveyor to Government, so that some of it may almost be said to be our joint work, though naturally not in the form in which he would have expressed it. I am also much indebted to Sir Stanley Batchelor, now Chief Justice of Bombay, for kindly reading the proofs of the portions in which matters of law are discussed, and for valuable suggestions and criticisms.

4. Some will think the work too long and too detailed; others will find it cursory and incomplete. I have had to steer the best course I could between these two dangers. The Manual is not recommended as a suitable book to learn by heart for an examination; and it is not intended for the purely rule-of-thumb worker. But if all officers having to deal with acquisition cases become acquainted with its arrangement and principles, and turn to it for any details they want in the course of their work, it is my earnest hope that it will not fail them.

F. G. H. ANDERSON.

POONA, JANUARY 1918.

SECOND EDITION

Since the first edition in 1918 not only has the imprint been exhausted but we have had important legislative additions to our Acts, in directions anticipated in the first edition. In this second edition those Acts are now included and the Rules which the Local Government has approved to give effect to the wishes of the Government of India.

One of my chief difficulties has been in deciding where to place each point and ruling. The work has been laid out according to the logical sequence in time of the stages of procedure; and, therefore, single subjects such as Tenants or Rights of Way tend to get scattered. I have done my best to reunite them by cross references to the paragraphs in which they occur.

Though there is no index, the table of contents has been so drawn that it is believed adequate to the discovery of any matter desired.

F. G. H. ANDERSON,

POONA, JULY 1926.

THIRD EDITION

The second edition being exhausted, this third reprint is published with all orders, rulings and legal decisions brought up to date. Valuable suggestions for improvement were received from Collectors and Commissioners. These have been accepted as far as possible, and incorporated in the third edition. In particular, a text of the Land Acquisition Act, 1894, and an alphabetical index have been added to this Manual.

N. A. FARUQUI,

Under Secretary to the Government of Bombay,

Revenue Department.

BOMBAY CASTLE, 27TH AUGUST 1936.

FOURTH EDITION

This new edition incorporates all the issued corrections and subsequent orders and legal opinions. It also includes new and revised agreement and notification forms. Only such additions and emendations have been made as are requisite for the bringing of the Manual up to date. In other respect the text remains intact and contains no personal views other than those of Mr. Anderson. The revision was carried out by Mr. V. L. da Cunha, Assistant Secretary to Government, Revenue Department.

The preparation of the fifth edition has been entrusted to Mr. M. J. Desai, I. C. S., at present Settlement Commissioner and Director of Land Records, to whom all suggestions for the enlargement or revision of the text, in the manner experience may show to be desirable, should be sent.

R. F. KEITH,

Under Secretary to the Government of Bombay,

Revenue Department.

BOMBAY CASTLE, 25TH SEPTEMBER 1941.

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ABBREVIATIONS

(1) The term "applicant" is used throughout to indicate the Department of Government, or officer, or Local Body, or Railway Company, etc., moving for the acquisition of the land.

(2) The terms "acquisition," "award," "notification," "payment," "proceedings," and so on must always be understood to be qualified by the term "under this Act."

(3) The sections quoted (*e.g.* 'Sec. 9') means sections of the Land Acquisition Act, unless another Act is named.

Resolutions of Government are quoted by (1) a letter indicating the Department, (2) the No. of the Resolution, (3) the last two figures of the year, all enclosed in a bracket thus: (J. 777—07) means Judicial Department Resolution No. 777 of 1907.

In quoting Law Report, the abbreviations generally familiar are used.

Acqn(s)	..	Acquisition(s).
A. G.	..	Accountant General.
A.O(s)	..	Acquiring Officer(s).
A. S.	..	Award statement.
Bom. H. C.	..	Bombay High Court.
B. G. G.	..	<i>Bombay Government Gazette.</i>
C(s)	..	Collector(s).
C. A. C.	..	Civil Account Code.
Cmr(s)	..	Commissioner(s) (of Divisions).
Co.	..	Company.
Compn.	..	Compensation.
Dept(s)	..	Department(s).
D. L. B.	..	District Local Board.
G(s)	..	Government(s).
G. of B.	..	Government of Bombay.
G. of I.	..	Government of India.
G. R(s).	..	Government Resolution(s).
L. A.	..	Land Acquisition.
L. B.	..	Local Body (not <i>Board</i>) or Local Bodies.
L. F.	..	Local Fund.
L. R.	..	Land Revenue.
L. R. C.	..	Land Revenue Code.
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Munl.	..	Municipal.
Muny(s).	..	Municipality(ies).
Notfn(s)	..	Notification(s).
N. A.	..	Non-agricultural.
Provl.	..	Provincial.
P. V.	..	Present value.

P. W. D.	..	Public Works Department.
Rev.	..	Revenue.
R. L. A.	..	Remembrancer of Legal Affairs.
Ry(s).	..	Railway(s).
S. F.	..	Sinking Fund.
S. No.(s)	..	Survey Number(s).
S. S.	..	Secretary of State for India.
Supdg. Engr.	..	Superintending Engineer.
X. N(s)	..	Excutive Enginner(s).
Y. P.	..	Years' purchase.

THE LAND ACQUISITION ACT, 1894

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N. B.—This index has been compiled solely for the purpose of assisting references. No expression used in it should be considered in any way as interpreting the sections, rules, or orders. The figures in italics in the first column refer to section of the Act; the others the paragraphs of the Manual.

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