

# GRIEVANCE

## Frequently Asked Questions

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#### — When experts put higher values for structures and trees what is the role of LAO?

Market value of trees and structures U/s 29 shall be fixed by LAO taking expert opinion. The land acquisition officer shall verify the estimates with reference to norms of the department and also with ground possession. Ultimately it is the decision of the LAO. Under old Act Civil court is barred to reduce the compensation awarded by LAO but under new act LA R&R authority will examine the provisions U/s 26 to 30 are followed properly or not. The requiring body is an interested person before LA R&R authority and competent to file appeal before High court.

#### — Whether SIA is automatically exempted in cases covered by Sec 40?

It is not compulsory. Appropriate Government may exempt SIA U/s 9. May also direct Chapter II to VI not to be applied U/s 4 (4). If so 11 (1) notification can be given without SIA and Sec 19 Declaration can be issued with one day gap, Award enquiry notices to be given U/s 21 and after expiry 30 days can take possession by paying 80% compensation and 75 % additional compensation. If only SIA is exempted all the process from 11 (1) notification including sec 15 enquiry shall be done.

#### — Whether SIA had to be conducted in other than Irrigation Projects?

As per sec 6 (2) SIA is not exempted when EIA conducted except in Irrigation Projects.

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#### — What would be the distance for fixing vicinity from the lands under acquisition?

While fixing average sales U/s 26 (1), if similar type of lands are available representing true market value in the village in which lands are located or when the lands under acquisition are nearer to any other village such sales for similar type of lands can be taken. Vicinity means in and around area of the lands under acquisition. Type of land means not taram or not classification mentioned in Revenue records. It is the utility, water facility, crop raised, advantages and disadvantages, income potentiality etc. to be decided duly conducting local enquiry after giving interested persons opportunity to express their stand with evidences.

#### — Whether balance lands under acquisition and balance villages to be acquired and shifted attracts new Act or attracts AP R&R policy?

Those projects for which AP R&R policy is made applicable and acted upon they shall be continued under the same policy. In respect of Polavaram Project as it was concerted as national Project, the stand of Central Govt. would be informed soon.

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#### — Whether R&R compensation is applicable as per the RFCT LARR Act, if LA compensation paid prior to 31-12-2013?

Section 24 covers LA Issues but not R&R issues. Prior to 08.05.2005, Project specific R&R policy used to be there Ex. Telugu Ganga Project, Somasila Project, Srisailem Project etc. The AP R&R policy 2005 was made applicable to certain projects from 08.02.2005 and acted upon. For such projects R&R schemes and benefits would continue to be applicable after 01.01.2014 also. Project for which S.I.A is taken up afresh under L.A.R&R Act, the provision of R&R benefits under new Act would apply.

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— **What is the date for reckoning 18 years of age?**

The date of 4 (1) notification as per Gazette shall be taken for calculating age. The SES cutoff date shall be 4 (1) notification whether SES is done at the time of 4 (1) or at the time 11 (1).

— **When it was that 11 (1) notification shall cover the entire area of the project and 19 (1) declaration could be made in part?**

Administrative charges are also part of cost of acquisition and 10 % shall be administrative charges on the cost on the estimated cost of LA and R&R. 10% Administrative charges on the cost of SIA study is payable to state SIA unit / CRR.

— **Whether occupation / encroachment exgratia /compensation is payable under LA R&R Act?**

G.O Ms. No.243 (Rev.LA) Department provides payment of exgratia for eligible families on assignable Govt. Lands. The categories mentioned are not properly drafted. For Ex. Under B category eligible encroachers confirmed by entries in 10 (1) is wrongly mentioned, as the D Form Pattas are only to be entered in 10 (1) which will come under A category. G.O.577 mentions about 10 / 5 Years occupation. CCLA informed that it will be examined.

— **Whether SLA can be exempted for small requirement of lands like lands for hostel building etc.?**

As per sec. 3(b) affected area means any land notified for purpose of land acquisition U/s 11 (1). Since land / immovable property acquisition attracts R&R as per sec.3 (c) (i), for any small acquisition also SLA shall precede.

— **Whether the consented compensation as agreed upon U/s 2(2) can be taken ?**

U/s 2 (2) LA would be taken for public purpose and requiring body will be PPP Project or Private Company. Hence private purchase rates agreed upon and paid by other than specified person in a private purchase cannot be taken into criteria. U/s 26 (c) it is consent compensation for the present land under acquisition. Explanation III clearly says that compensation paid on earlier occasion shall not be taken into consideration. Ultimately it is the LAO to fix market value duly giving reasons.

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— **What would be the distance for fixing vicinity from the lands under acquisition?**

While fixing average sales U/s 26 (1), if similar type of lands are available representing true market value in the village in which lands are located or when the lands under acquisition are nearer to any other village such sales for similar type of lands can be taken. Vicinity means in and around area of the lands under acquisition. Type of land means not taram or not classification mentioned in Revenue records. It is the utility, water facility, crop raised, advantages and disadvantages, income potentiality etc. to be decided duly conducting local enquiry after giving interested persons opportunity to express their stand with evidences.

— **What is the percentage of administrative charges to be collected?**

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— **Whether Assigned lands are to be notified?**

One view is that Assigned lands are Government lands and only right of cultivation given to assignees and they are not having alienable rights. And hence cannot be put under category of land owner but R&R benefits could be given separately for the lively hood loss.

The other view is as per Sec. 3(C) (V) a member of a family who has been assigned lands by state / Central Govt. under any scheme and such land is under acquisition, is an affected family. The Assignee is a land owner as noted in the records of authority as per Sec.3 (r) (i). ROR Pattadar Pass Books are issued to assignee as pattadar. As per section 3 (r) (iii) even occupants who are entitled to patta under Assignment rules are also to be as land owner.

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— **Requested clarification on issuing of house site pattas?**

Under New Act no house site patta would be given and only houses would be got constructed under IAY in rural areas and 50 sq. Mts. In plinth area house in Urban area. The layout norms to be followed as per IAY norms and Urban housing norms while acquiring land for R&R centers

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— **Can advanced possession to be taken in urgency clause?**

No provision for advanced Possession under New LA Act. Possession cannot be taken unless compensation is paid within 3 months, R&R cash benefits within 6 months in case of lands and providing infrastructure entitlements before 18 months in case of residential houses in the affected area

**In scheduled area the lands under acquisition is segregated by putha with the lands situated in plane area and deference in sale value is**

— **high. Whether such sales are to be considered?**

It comes under vicinity area. Care shall be taken whether the land under acquisition is of similar type. Mere location nearer is not criteria. Accessibility, Water facility and other advantages and disadvantages have to be looked into agency area can be treated as sales restricted area. In such cases the District Collector may decide the floor value or minimum sale value taking all parameters in to consideration.