

GOVERNMENT OF KERALA

No.53462/B1/60-4

Revenue (B) Department
Trivandrum 27-12-60.

MEMORANDUM

Sub: Land Acquisition cases-Reference to District court- Instructions issued.

Ref: From the Advocate General- W2-1643/60 dated 11-10-60.

It has been brought to the notice of the Government that Land Acquisition officers wrongly reject applications for reference to the District Court. In certain cases the Land Acquisition officers are seen to have rejected the application for reference on the following grounds:-

- i That the party has not stated in the application the actual amount claimed.
- ii That the amount has been accepted without protest.

GROUND (i) :-Land Acquisition Act does not require particulars to be given and that all it requires to be given is the grounds of objection. By “ground” is meant such of the four grounds namely (a) the measurement of the land (b) the amount of compensation (c) the person to whom it is payable and (d) the apportionment. It is not necessary to state the actual amount claimed but, it would be sufficient to object to the awarded amount as being low.

GROUND (II) :- The party puts in two application on the same day; one for disbursement of compensation already awarded and the other for a reference to Court. Any compensation received has, therefore, to be taken as having been received subject to the application for reference. Any other view is not likely to commend itself to a Court of Law.

2. In certain cases the Land Acquisition officers do not communication the orders rejecting the application foe reference. Even without any request from the petitioner it is the duty of the Land Acquisition officer to communicate to the petitioner the orders passed by him on the application for reference , There is no justification whatever , for withholding orders like this from a party most affected thereby.

3. The District Collectors, are, therefore requested to see that the Land Acquisition officers follow the above instructions strictly when land acquisition cases are decided.

4. The District Collector, Quilon is informed that the O.P. 993/60 of the High Court (Land Acquisition case No. 338/56 on the file of the Revenue Divisional officer, Quilon) need not to be contested and he is requested to arrange foe a reference being made to the District court in this case.

N.CHINGAN BHATTATHIRI.
Asst. Secretary.

To,
The Dist. Collector, Quilon and all other District Collectors, The Board revenue,
The Advocate General (eith CLO and copy to all Heads of Dept. etc.

Edt. On 2420/61/D1/18-2-61.

Copy to all sub offices and section superintendents of Chief Conservators office.

Office of the Chief Conservator
Of Forests, Trivandrum.

Forwarded/ By order,
Sd/-
Head Draftman.

Endt. On D. Dis. G. 648/61 dated 22-2-61.

Copy to stock file & circular file.

Sd/-

Conservator of Frests Devi:Circle
Chalakydy.

Forwarded/ By order,

Clerk.