

Copy of

GOVERNMENT OF ANDHRA PRADESH
REVENUE DEPARTMENT.

Circular Memo No. 1504/K2/86-1: Dated: 24.10.1986.

Sub:- Land Acquisition - Taking Possession of lands by the requisition department without the knowledge of the District Collector, Special Collector or the Land Acquisition Officer - Certain instruction - issued.

Ref:- From the Commissioner of Land Revenue, Lr.NSP2/5-3 dated 19.5.1986.

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It has been brought to the notice of the Government that there are several cases in which the requisitioning departmental officers had taken advance possession of land without the knowledge of the Land Acquisition Officer concerned and in which the requisitioning department as sent requisitions for acquiring the lands in question lapse of several years. Consequently those Departmental Officers were unable to furnish even the details regarding the date of taking possession of the lands in several cases resulting in considerable difficulty in calculation of interest under the Land Acquisition Act.

According to the Land Acquisition Act, possession of the land has to be taken by the Land Acquisition Officer only after the award under section 11 of the Land Acquisition Act is passed by him except in the circumstances where The enquiry under section 5-A is dispensed with. When urgency clause under section 17(1) of the Land Acquisition Act is involved, possession of the land can be taken, but paying to the probable market value. The officials of the requisitioning authority for whom the land is proposed to be acquired have no right to enter upon the land in anticipation of the proper initiation of land acquisition proceeding only by way of private arrangement ie, if the owners of provision of the Act. It is not desirable to take advance possession of land by consent, as once Government decided to acquire the land under the Land Acquisition Act, it lead to complications and claims for damages. Also if persons from whom written consent was taken turn out to be the real interested persons or all them are not the interested persons in the land, the position would become further vulnerable.

All the Departments of Secretariat are therefore advised to instruct their Heads of Departments/Public Sector undertakings/ Government compliances functioning under The administrative control to avoid taking advance possession of land, as far as possible, and if it is unavoidable, they do so only informing the District Collector, or special Collector or Revenue Divisional Officer and Mandal Revenue Officer concerned before advance possession is taken followed by furnishing of the requisition supported adequate Budget provision.

Sd/- T.MUNIVENKATAPPA,
Secretary to Government.

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GOVERNMENT OF ANDHRA PRADESH
FOREST ANIMAL HUSBANDRY AND FISHERIES DEPARTMENT

Endoresment No. 843/For.III/87-1 Dated: 17.1.1987.

Copy communicated to the Principal Chief Conservator Forests for information and necessary action.

Sd/- C.Vijayarami Reddy,
Asst.Secretary to Government.

// True Copy //

CCF's Ref.No. 3553/87-J2: Office of the Prl.Chief
Dated: 18.2.1987. Conservator of Forests, A.P.
Hyderabad.

Sri K.V.S. Babu, I.F.S.,
Prl. Chief Conservator of Forests.

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CIRCULAR NO. 1/87-J2: Dated 18.2.1987.

Communicated for strict compliance of Government instructions. All the Conservators of Forests and Divisional Forest Officers are requested to acknowledge the receipt of this Circular.

Sd/-C.Damadar Reddy,
for CHIEF CONSERVATOR OF FOREST

To
All the Officers as per Distribution List 'A'.
Copy to be sent to all Districts.