

Penal Provisions & Settlement, Eviction Rules etc. Regarding Encroachment of Govt. Ceiling Surplus Land.

1. As per Govt. Notification No. RSS-351/91/PT/82 dtd 12-08-2008, The Govt. empowers the Collector to impose a fine amounting Rs. 200/- per bigha of Encroached Land per annum until encroachment is cleared. The fine shall be realized as arrear of Land Revenue each year. This may be assessed to as Land Revenue and included in the annual Doal.

2. As Govt. Notification No. RSR-9/88/PT-1/31 dtd 19-04-2000, The Govt. Policy regarding Settlement of the Encroached Land is as follows:-

i) In case of Encroachment of the Govt. Land (Ceiling Surplus Land of Tea Garden) by the Tea garden, the Settlement has to be carried out by realizing a premium at the rate of 200% per bigha on the prevailing market price of the Land along with a fine for encroachment at the rate of Rs. 200/- per bigha of encroached land as arrear land revenue till the premium has been paid by the encroachers(Tea Garden Authority). If they are reluctant to come forward to accept the settlement from Govt., Eviction should be carried out irrespective of their eligibility to get settlement and to make land free from encroachment.

ii) In case of Encroachment by uneducated youths, landless cultivators, land less ex-tea garden workers, co-operative equivalent firms, small tea growers, the settlement has to be carried out by realizing a premium at the rate of 33 1/3 % per bigha on the prevailing market price and also a fine for encroachment at the rate of Rs. 200/- per bigha per annum.

iii) In respect of settlement of unencroached Govt. Land (Ceiling Surplus Land of the Tea Garden) the rate of premium to be fixed at 150% per Bigha on the prevailing market price of land.

iv) In respect of the encroached land having tea bushes, 200% of the prevailing market price and with a penalty at Rs. 3/- per tea bush.

v) Excess land i.e. Ceiling Surplus Land after Acquisition may be treated may be treated as ordinary Sarkari Land to be settled with deserving Landless persons as per section 12 of the Assam Land and Revenue Regulation Act, 1886, and in terms of section 16 of the Assam Fixation of Ceiling on Land Holding Act, 1956(as amended in 1976).

vi) Once the Final Statement for Acquisition of Ceiling Surplus Land is signed by the Collector, the right over Land stands vested on the Govt. and the Govt. can dispose the same for settlement of such land to anybody (cultivating tenants in occupation of a land prior to acquisition as per section 7 sub-section 4 of the Assam Fixation of Ceiling on Land Holding Act, 1956(as amended in 1976)). Once the land is surrendered to the Collector, the right over land stands vested and transferred to the State Govt. Any option for selection of Land must be reflected on the Return prior to signing of the Final Statement by the Collector/ DC.

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vii) Once the excess land is acquired and declared as Ceiling Surplus Land, it should be treated as ordinary Sarkari land Under Section 12 of the Assam Land and Revenue Regulation Act, 1886.

Under Section 17(3) of the Assam Fixation of Land Holdings, 1956 (As Amended). The preference of the settlement of the acquired Ceiling Surplus Land shall be given to the following categories of person in order of narration-

a) Landless cultivator who has been rendered homeless due to flood, erosion or earthquake.

b) Landless cultivator.

c) Agricultural Farming Corporation as defined in the Assam Agricultural Farming Corporation Act, 1973 (Assam Act viii of 1973).