

DIGHA ACQUIRED LAND SETTLEMENT RULES, 2014



BIHAR STATE HOUSING BOARD

Urban development & Housing department

Government of Bihar

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In exercise of the powers conferred under section 12 of the Digha Acquired Land Settlement Act, 2010 (Bihar Act 14, 2010); the Bihar State Housing Board makes the following Rules:

- 1. Short Title and Commencement:** [1] These Rules shall be called the Digha Acquired Land Settlement Rules, 2014.

[2] These Rules shall come into force with effect from the date of its publication in the Official Gazette.

- 2. Definitions:-** In these Rules unless there is anything repugnant in the subject or context:-

- (a) “the Act” means the Digha Acquired Land Settlement Act, 2010 (Bihar Act 14, 2010).
- (b) “the Authority” means the Authority constituted under Section 9 of the Digha Acquired Land Settlement Act, 2010.
- (c) “the Board” means the Bihar State Housing Board, - constituted under the Bihar State Housing Board Act, 1982.
- (d) “Committee” means the committee constituted by the Board.
- (e) “Forms”, means the forms as prescribed by the Board.
- (f) “land owner or the transferee” means the person whose land was acquired by the Board at Digha includes the persons who acquired a subsequent title by inheritance, sale, gift, exchange or any other valid means.
- (g) “Members” means a member of the Authority including the Chairperson of the Authority.
- (h) “Managing Director” means the Managing Director of the Board.
- (i) “Scheme” means the scheme or schemes framed by the Board with the approval of the State Government under section 3 of the Act.
- (j) “Settlee” means the unauthorized occupant of the land acquired by the Board at Digha to whom settlement may be made in accordance with the provisions of the Act, Rules and Scheme.

- (k) "Section" means section of the Act;
- (l) Such words and expression used in these rules but not defined shall have the same meaning which are assigned to them in the Act.

3. Framing of the Scheme:- [1] The Board shall frame scheme for implementing the provisions of the Act.

[2] The Scheme so framed shall contain detailed procedure to achieve the objects of the Act and shall include, interalia, the formula on the basis of which the settlement charge and ex-gratia shall be determined, the manner in which the same shall be recovered or paid, and generally the terms and conditions on which the said scheme shall be enforce and implemented.

[3] The scheme prepared by the Board shall be submitted to the State Government. The State Government shall either accord the approval or return the Scheme with direction for modification.

[4] On returning the Scheme with a direction by the State Government, the Board shall comply with the direction and re-submit the same to State Government within three months of its recieving. Thereupon the State Government shall approve the Scheme;

[5] The Scheme approved by the State Government shall be deemed to be operative from the date of its sanction and shall be implemented and enforced accordingly.

[6] The Board may, in case of a serious difficulty in implementing the approved Scheme, propose variation, alteration or amendment in the same to the State Government. The State Government may approve the proposal with or without any modifications and such changes in the Scheme shall come into force on such date as may be stipulated in the order of sanction.

[7] The scheme so sanctioned or modified shall be enforced by the Board.

[8] For effective enforcement of the scheme, the Board may constitute as many number of committees as and when required under Section 13 of the Bihar State Housing Board Act, 1982.

4. Publication of the Scheme:- The Scheme along with a notice, shall be published by the Board in at least two leading Newspapers (Hindi and English) published from Patna and on the website of the Board for inviting applications from the affected persons in the following manner:-

[1] Unauthorized occupants : These occupants shall apply, within 60 days of publication of notice, to the Board in a form prescribed by the Board, for consideration of their cases for settlement of respective plots of land under their unauthorized occupation in accordance with the Scheme framed by the Board.

[2] Erstwhile landowners/transferees : These persons shall apply within 60 days of publication of notice in a form prescribed by the Board, for consideration of their cases before the Board for ex-gratia payment as determined by the Board in accordance with the Scheme framed by the Board.

5. Registration of Applications:- [1] Every application made by the unauthorized occupants for settlement of land and by landowners/transferees for ex-gratia payment in response to the notices issued by the Board in accordance with the provisions of the Act and these Rules shall be scrutinized and, on being found complete in all respect during the scrutiny of such, shall be registered as **Settlement Claim Application** or **Ex-gratia Payment Claim Application**, as the case may be and shall be numbered serially.

[2] Applications for settlement of land or ex-gratia payment received from two or more applicants in respect of the same premises/plot shall be grouped together and shall be registered as **Disputed Applications**.

[3] A Committee shall be constituted by the Board to consider and scrutinize the correctness, completeness and the admissibility of all applications. The scrutinized list of applications shall be submitted to the Board for their decision regarding their admissibility or rejection. The Board shall publish the list of such accepted or rejected applications on the Notice Board of its Head Office as well as on its website.

6. Consideration of Applications:- [1] After registration of the applications including applications referred to sub rule 5(2) made to it by the unauthorized occupants and the erstwhile land owners/ transferees for settlement of land and for ex-gratia payment respectively shall be considered by the Committee constituted under Rule 5(3) on merits in accordance with the Scheme framed under the Act.

[2] The recommendation of the Committee shall be submitted to the Board for their decision and the Board shall pass resolution regarding admissibility/non-admissibility of the claims of the landowners/transferees, the unauthorized occupants and the dispute between contesting applicants.

[3] The Board shall, on recommendation of its Committee, decide the amount payable to the landowner or the transferee and the amount payable by the settlee to the Board.

[4] The Committee, constituted by the Board, shall determine the settlement charge amount payable by the settlee concerned to the Board and also the amount of ex-gratia payable by the Board to the land owners/transferees or the erstwhile land owners as per the Scheme/norms framed by the Board.

7. Communication of orders on Application to the Applicants:- Every decision of Board accepting or rejecting the claims made in forms prescribed by the Board in terms of Rule 4 shall be communicated by the office of the Board to the applicant/ applicants concerned by registered post and shall also be posted on the Notice Board and the Website of the Board.

8. Disputes:- In case any Applicant, including applicants registered as Disputed Applicants, is/are dissatisfied with or aggrieved by the quantum of amount determined by the Board towards the settlement charge or the ex-gratia payment, may raise a dispute in regard to the quantum of such determined amount or rejection of their claim in case of disputed applications, before the Authority within 30 days from the date of receipt of notice from Board.

9. Decisions of the Authority:- [1] The Authority upon receipt of the Applications made in a form prescribed by the Board under Rule 8 shall notify to

the Applicant-concerned the date, time and place of the hearing of the applications in such manner as may be directed by the Chairperson of the Authority, by general or special order.

[2] The Authority shall decide the disputes raised under Rule 8 or raised by applicants registered as such on Disputed Register under Rule 5(2), after hearing the Applicant-concerned or his/her representative as well as the representative of the Board expeditiously and preferable within 45 days from the date notified for the first hearing thereof by a speaking order.

[3] Every order of the Authority shall be in writing/typed form and shall be signed by the Chairperson/members of the Authority.

[4] Every order shall be pronounced in open court.

[5] Every order passed by the Authority shall be final.

10. Sittings of the Authority:- The Authority shall hold its sittings/court in the premises of the Board at 6, Sardar Patel Marg, Patna 800015.

11. Calendar of Applications:- The Authority shall draw up a calendar for the hearing of the applications submitted in the form prescribed by the Board under Rule 8 and, as far as possible, hear and decide such applications according to the calendar preferable within 45 days from the date notified/fixed for the first hearing.

12. Adjournments:- [i] The Authority shall have the power to decline an adjournment and, also to limit the time for submission of oral/written arguments by the parties-concerned. Only one adjournment shall be allowed.

[2] Action on applications on account of absence of the applicant-concerned, - where on the date fixed for hearing of the applications made under Rule 9 or any other date to which such hearing may be adjourned, the applicant or his authorized representative does not appear when the application is called for hearing, the Authority may, in its discretion, either dismiss the application for default or decide it on merits, ex parte.

[3] Where an application has been dismissed for default and the applicant-concerned files an application within 30 days from the date of dismissal and

satisfies the Authority that there was sufficient cause for his/her non-appearance, when the application was called for hearing, the Authority may make an order setting aside the order dismissing the application and restore the same.

Provided, however, where the application was disposed of on merits the application provided above under sub-rule (3) shall not be entertained.

- 13. Substitution of legal heirs / representatives:-** In case death of an applicant during the pendency of his/her application either before committee or the Authority, - the legal representatives/ heirs of such deceased-applicant may apply within 30 days of the date of such death for being brought on record in place of such deceased-applicant.
- 14. Sitting hours of the Authority:-** The sitting hours of the Authority shall ordinarily be from 9:30 a.m. to 1:30 p.m. and from 2:00 p.m. to 6:00 p.m. subject to any order of the Chairperson of the Authority.
- 15. Right to pursue Applications:-** Every Applicant shall have the right to pursue his/her case raised in his/her application made before the Authority in the form prescribed by the Board either himself/herself or through a legal practitioner of his/her choice.
- 16. Removal of Difficulties:-** If any difficulty arises in giving effect to the provisions of these Rules, the State Government may, as occasion may require, by order do or cause to be done anything which may be necessary for removing the difficulty.

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