

DIGHA ACQUIRED LAND SETTLEMENT SCHEME, 2014



BIHAR STATE HOUSING BOARD

Urban development & Housing department

Government of Bihar

DIGHA ACQUIRED LAND SETTLEMENT SCHEME, 2014

PREAMBLE

Whereas total 1024.52 acres of land at Digha was acquired on behalf of the Bihar State Housing Board for development of urban housing.

And whereas Rs.17.42 crore was deposited by the Bihar State Housing Board with the Collector, Patna for payment of compensation to the land owners whose land was acquired for the Board.

And whereas subsequent to the notice of acquisition nearly 600 acres of land were unauthorizelly sold/transferred to various people by the erstwhile land owners.

And whereas the illegal transferees (unauthorized occupants) built their houses, commercial establishment, educational establishment etc. and are residing and are in physical possession of them.

And whereas the erstwhile land owners, who illegally sold their land, presumably received fair compensation from the transferees. This presumption is corroborated with the fact that no land owner seems to be interested in receiving or claiming any compensation.

And whereas the erstwhile land owners have sold approximately 600 acres and the illegal transferees have built and are in possession of premises of various nature.

And whereas as far as the approximately 600 acres are concerned they have, despite the land being notified as acquired, defeated the various processes of acquisition whereby the land owners have sold the land and illegal transferees have physically acquired and constructed upon it.

And whereas the land owners of nearly 400 acres of acquired and vacant land have not received any compensation as yet.

And whereas the entire amount deposited with the Collector, Patna for payment of compensation remains unutilized.

Now in exercise of the power conferred under Section 3 of the Digha Acquired Land Settlement Act, 2010 (Bihar Act 14 Of 2010), the Bihar State Housing Board makes the following scheme.

1. Short Title

- 1.1 This scheme shall be called Digha Acquired Land Settlement Scheme, 2014 and shall be deemed to be operative from the date as may be notified by the Board in consultation with the State Government in accordance with the Act and Rules made there under.

2. Settlement with the Unauthorized Occupants

- 2.1 Under the powers conferred in Section 3 of the Act, the Board shall make settlement of land with the Unauthorized Occupants in the area as defined in Section 6 of the Act i.e. the settlement shall remain confined to an area of about 600 acres of land comprised in sector 3, 4, 6, 7, 9, 11 and 12 (i.e. in the eastern side of so-called Digha-Ashiana Road).

Provided the settlement shall be made with only such unauthorized occupants who shall produce valid documentary proof of acquisition of the land by them, their possession and occupation of it within a cut-off date as notified by the Board through public advertisement.

Provided further that the settlement shall be made on AS IS WHERE IS basis and to the extent of only such area of ownership for which the settlee shall produce the documentary proof of title, possession and occupation.

Provided further that there shall not be any settlement for vacant land parcels in the said area as the same shall remain with the Board and the owner/transferee of such land parcels shall be only entitled for ex-gratia payment.

- 2.2 **Settlement Charges** : While determining the settlement charge to be collected from unauthorized occupants of plots under different usage and location, following financial formula shall be adopted:

Time Limit from the receipt of Demand Notice	Settlement Charge to be Deposited as % of "A"		
		Plot under Residential Use	Plot under

	Plot size equal to or less than 2 kattha	Plot size more than 2 kattha	Residential Use at Principal Main Road	Commercial Use
0 - 90 days	25%	50%	75%	100%
91 – 120 days	50%	75%	90%	100%
121 – 180 days	100%	100%	100%	NA

where,

A = District Registrar Office value of the particular plot of land in the financial year under consideration as adopted by the Board.

Provided that if the settlee, either individually or jointly, owns more than 5 kattha of land then the above formula shall be adopted to the extent of 5 kattha only and anything above that area shall be charged at the rate of 100% value within the stipulated time.

Provided further that if the settlee, either individually or jointly, wants to surrender the occupied land, either in part or full, the Board may accept the proposal and for that purpose the amount of settlement charge and ex-gratia amount shall be adjusted accordingly.

- 2.3 The settlee shall be required to deposit the settlement charge in one lump sum within total 180 days for residential plot and 120 days for commercial plot from the receipt of the Demand Notice after which there shall not be any settlement.

Provided that the settlee may initially deposit 25% of the settlement charge and balance amount can be paid within the specified time limit by availing loan facility from financial institutions (bank etc.) for which the Board shall provide NOC or mortgage permission as the case may be.

- 2.4 Settlement with settlee shall be done as person, either individual or HUF, and shall not be done with any society, body of individuals or association of persons.

- 2.5 All settlement made with unauthorized occupants under this scheme shall be treated as allotment on perpetual leasehold basis by the Board. Building Bye-laws and other relevant rules issued by the competent authorities shall prevail in the area.

2.6 As per Board norms, the allotment after settlement shall be made for an initial lease period of 90 years with renewal facility on perpetual basis and dividend shall be charged as per Board guidelines if the allottee transfers the property during the lease period.

3. Ex-gratia Payment to the Owners/Transferees of about 400 acres

3.1 Under the powers conferred in Section 3 of the Act, the Board shall make ex-gratia payment to only such erstwhile landowners/transferees in the area, as mentioned in Section 7 and in the proviso of Section 6 of the Act i.e. the ex-gratia payment shall remain confined to an area of about 400 acres of land comprised in sector 1, 2, 5, 8 and 10 (i.e. in the western side of so-called Digha-Ashiana Road) and also to the vacant land area of 600 acres in sector 3, 4, 6, 7, 9, 11 and 12 (i.e. in the eastern side of so-called Digha-Ashiana Road).

Provided the ex-gratia payment shall be made to only such erstwhile landowners/transferees who shall produce valid documentary proof of title and land ownership within a cut-off date as notified by the Board through public advertisement.

Provided further that the ex-gratia payment shall be made on AS IS WHERE IS basis and to the extent of only such area of ownership for which the erstwhile landowner/transferee shall produce the documentary proof of title and ownership.

Provided further that ex-gratia payment shall not be paid to those erstwhile land owners of the 600 acres in sector 3, 4, 6, 7, 9, 11 and 12 (i.e. in the eastern side of so-called Digha-Ashiana Road) who have already alienated the land to the unauthorized occupants.

Provided further that unauthorized occupants of the 600 acres in sector 3, 4, 6, 7, 9, 11 and 12 (i.e. in the eastern side of so-called Digha-Ashiana Road) shall liable to pay the settlement charge as per Clause 4 of this Scheme.

3.2 **Ex-gratia Amount** : The erstwhile landowner or their transferee shall be paid over and above the awarded compensation under Land Acquisition Act, ex-gratia amount, as may be fixed, against their respective plot of land in such a manner that the gross amount (i.e. compensation plus ex-gratia amount) does not exceed the total amount payable as mentioned below:

Total amount payable : A, where

A = District Registrar Office value of the particular plot of land in the financial year under consideration as adopted by the Board.

Provided that as per the spirit of proviso to Section 7 of the Act, such erstwhile landowners or their transferees in area of about 400 acres of land comprised in sector 1, 2, 5, 8 and 10 (i.e. in the western side of so-called Digha-Ashiana Road), who have constructed a brick-mortar dwelling house shall get allotment of flats of reasonable size in the earmarked area of proposed township to be constructed by the Board on the condition of their written oath to vacate and handover the occupied space to the Board before getting possession of flat.

- 3.3 The erstwhile landowner or their transferee shall be eligible after 30 days but before 60 days of the decision of the Authority, for receiving the 50% of the total amount in cash and balance 50% in form of bond/debenture with 1% monthly interest and which shall not be redeemable before 360 days of issuance.

4. Refund of Deposits

- 4.1 Under Section 4 of the Act, the old allottees/applicant shall be eligible to get refund of their deposits at the rates prescribed in Section 4 of the Act.
- 4.2 For getting refund of deposits, the allottees/applicant shall be required to make application in the prescribed form with all supportive documents such as receipt of payments etc. in original.
- 4.3 The Board shall make refund of deposits with prescribed rate of interest within 60 days of receipt of application in valid proforma with all required supportive documents.

5. Miscellaneous

- 5.1 The Board shall take possession of the vacant land of the whole acquired area across the so-called Digha-Ashiana Road immediately after the notification of this Scheme and the clauses of this Scheme shall get effective only after such possession.

Explanation

The Board shall ensure pillars / boundaries alongside the whole acquire land of about 400 acres in the western side of so-called Digha-Ashiana Road including the areas of constructed dwelling houses as mentioned in Section 7 of the Act and also alongside the vacant land in 600 acres of area in the eastern side of so-called Digha-Ashiana Road.

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