ABSTRACT

Highways Department – Executive Instructions on determination of final amount of compensation to the land owners by inserting multiplier factors in the Tamil Nadu Highways Act, 2001 (TN Act 34 of 2002) by virtue of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Central Act 30 of 2013) – Executive Instructions - Issued.

Highways and Minor Ports (HF1) Department

G.O.(Ms) No.27 : **Dated: 05.03.2018.**

ஹேவிளம்பி – மாசி –21, திருவள்ளுவர் ஆண்டு 2049

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Read:

1. G.O.(Ms) No.88, Revenue (LA-I (1)) Department, dated 21.02.2014.
2. G.O.(Ms) No.59, Highways and Minor Ports Department, dated 29.05.2014.
3. G.O.(Ms) No. 169, Highways and Minor Ports Department, dated 31.12.2014.
4. G.O.(Ms) No.298, Revenue & Disaster Management [LA-I (1)] Department, dated 20.09.2017.
5. G.O.(Ms) No. 300, Revenue & Disaster Management [LA-I (1)] Department, dated 20.09.2017.
6. The Tamil Nadu Government Gazette (Extraordinary) Issue No. 300, dated 21.09.2017.
7. From the Additional Chief Secretary /Commissioner of Land Administration, D.O. Letter No. M2/27011/2013, dated 10.10.2017.
8. From the Additional Chief Secretary /Commissioner of Land Administration, Circular Rc. No. 22464/2017, dated 13.11.2017.
9. From the Additional Chief Secretary /Commissioner of Land Administration, Letter No. M2/27011/2013, dated 25.11.2017.
10. From the Additional Chief Secretary /Commissioner of Land Administration, Letter No. M2/22464/2017, dated 12.12.2017.
11. From the Director General, Highways Department, Letter No. RFCTLARR/DG/2013, dated 07.02.2018.

ORDER:

The Right to Fair Compensation and transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Central Act 30 of 2013) came into force from 01.01.2014 by repealing the erstwhile Land Acquisition Act, 1894 (Central Act 1 of 1894).

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2. The Government of Tamil Nadu have enacted three special State Acts, namely, (1) The Tamil Nadu Acquisition of Land for Harijan Welfare Schemes Act, 1978 (TN Act 31 of 1978) (2) The Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997 (TN Act 10 of 1999) and (3) The Tamil Nadu Highways Act, 2001 (TN Act 34 of 2002) for regulating the land acquisition exclusively for harijan welfare schemes, industrial purposes and for the purposes of any highway, respectively, in the State of Tamil Nadu.

3. In the Government Order 2nd read above, orders have been issued stating that interim compensation for all pending cases where the acquisition of land is taken up under the Tamil Nadu Highways Act, 2001 should be determined based on the procedure already in vogue, subject to additional compensation being paid as per the provision of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (RFCTLARR Act, 2013).

4. In the G.O. 3rd read above, the Government have decided that the provisions of the said Central Act 30/2013 relating to determination of compensation in accordance with the First Schedule and rehabilitation and resettlement specified in the Second and Third Schedules, being beneficial to the affected families, shall apply to the cases of land acquisition where the notice under Section 15(2) of the Tamil Nadu Highways Act, 2001 is published on or after 01.01.2014.

5. In the G.O. 4th read above, orders were issued for framing the State Rules, viz, Tamil Nadu Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Rules, 2017 under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Central Act 30 of 2013), in which the definition for urban area has also been specified under Rule No.2(1)(n).

6. In the G.O. 5th read above, orders were issued for notifying the multiplier factor under section 26(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 read with the provisions against Serial Number 2 of the First Schedule of that Act, as specified in the Table below, by which the market value shall be multiplied in case the project is situated in rural areas.

Sl. No.	Distance of the Project from Urban Areas	Factor by which the market value to be multiplied
1.	Within 30 Kilometres	1.25
2.	Beyond 30 kilometres and within 50 Kilometres	1.50
3.	Beyond 50 Kilometres	2.00

The same was published in Tamil Nadu Government Gazette as 6th read above.

7. In his letter 7th and 9th read above, the Additional Chief Secretary / Commissioner of Land Administration has recommended that pending issue of required Amendments to the Tamil Nadu Highways Act (Tamil Nadu Act 34 of 2002) and the Rules thereunder, the Government in Highways and Minor Ports Department may issue orders consisting of executive instructions on determination of final amount of compensation (Final Award) to be paid to the land owners for the cases

where the interim compensation has been approved by the Government as in G.O. 2nd read above, in line with the Tamil Nadu Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Rules, 2017 and the multiplier factor approved by the Government as in G.O. 5th read above and also the circular instructions issued by them in Circular 8th read above for determination of market value under Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

8. The Government after careful examination have decided to accept the recommendation of the Commissioner of Land Administration (CLA) and accordingly issue executive instructions on determination of final amount of compensation (Final Award) to be paid to the land owners as follows:-

(a) While determining the final compensation amount, in cases where the interim compensation had been fixed and allowed earlier with reference to the orders issue in G.O. (Ms) No. 59, Highways and Minor Ports (HF1) Department, dated 29.05.2014, in accordance with the First Schedule to the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Central Act 30 of 2013) for, the compensation amount (Final) shall be determined, by multiplier factor and the factor by which the market value shall be multiplied in case the project is situated in rural areas shall be as specified in the Table below:-

Sl. No.	Distance of the Project from Urban Areas	Factor by which the market value to be multiplied
1.	Within 30 Kilometres	1.25
2.	Beyond 30 kilometres and within 50 Kilometres	1.50
3.	Beyond 50 Kilometres	2.00

The factor by which the market value is to be multiplied in the case of Urban Areas shall be 1.00 (one) as notified in Sl. No.3 of First Schedule of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

'Urban Area' referred to in the Table above means:-

(i) the area (including Village Panchayats) lying within the territorial limits of the Chennai Metropolitan Development Authority (CMDA);

(ii) Municipal Corporations having a population of 5 (five) lakhs and above as per 2011 census (i.e. Madurai,Tiruchirappalli, Salem, Coimbatore and Tirunelveli Municipal Corporations, except Chennai City Municipal Corporation) and the area (including Village Panchayats) that falls within 8 kilometers distance from the limits of the said Municipal Corporations;

(iii) all other Municipal Corporations, Municipalities, Town Panchayats, Cantonments and Townships;

and

(iv) any other area that may be notified as urban area by the State Government, from time to time.

Verified Registrate TM

(b) With regard to determination of market value in accordance with the First Schedule of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, the instructions contained in the Circular and Letter as 8th and 10th read above respectively, issued by the Additional Chief Secretary / Commissioner of Land Administration shall be adopted for guidance.

(By Order of the Governor)

Rajeev Ranjan,
Additional Chief Secretary to Government.

To
All the Additional Chief Secretary / Principal Secretary /
Secretaries to Government of all Departments,
Secretariat, Chennai -9.
The Principal Secretary / Commissioner of Revenue Administration,
Chepauk, Chennai -5.
The Additional Chief Secretary / Commissioner of Land Administration,
Chepauk, Chennai -5.
The Principal Secretary, Commissioner of Land Reforms, Chennai – 5.
All the HoDs under the control of
Highways and Minor Ports Department.
All District Collectors,
All District Revenue Officers,
Highways and Minor Ports (OP) Department, Chennai -9.
Clean Copy: 2164/HF1/2018.
SF/SC.

//Forwarded by Order//

5-3-18
SECTION OFFICER

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