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NOTIFICATION

No. H. 12018/98/2001-LJD/39, the 7th November, 2001. The following Act of the Mizoram Legislative Assembly which received the assent of the Governor of Mizoram is hereby published for General information.

The Mizoram (Prevention of Government Land Encroachment) Act, 2001.
(Act No. 7 of 2001)
(Received the assent of the Governor of Mizoram on 1.11.2001)

AN
ACT

to provide for the prevention of encroachment of lands belonging to the Government of Mizoram and other matters connected therewith.

It is enacted by the Mizoram Legislative Assembly in the Fifty-second Year of the Republic of India as follows-

1. SHORT TITLE, EXTENT AND COMMENCEMENT.-

(1) This Act may be called the Mizoram (Prevention of Government Land Encroachment) Act, 2001.

(2) It shall extend to the whole of Mizoram excepting the areas of the Autonomous District Councils under the Sixth Schedule to the Constitution of India

(3) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

2. DEFINITIONS. In this Act, unless the context otherwise requires-

(a) "District Revenue Officer" means the Deputy Commissioner or any other officer in charge of Revenue Administration of a District and includes an Additional District, Revenue Officer appointed by the State Government to assist the District Revenue Officer in the matter of revenue administration.

(b) "encroachment" means the unauthorised occupation;

(c) "Government" means the State Government of Mizoram;

(d) "government land" in so far as it relates to the provisions of this Act, shall mean any land owned, occupied or possessed by the State Government.

(e) "land" includes all lands either vacant or occupied, agricultural or non agricultural land, waste or arable land and shall also include benefits to the out of land, and things attached to the earth, or permanently fastened to anything attached to the earth or other defined portion thereof and their space above the earth but shall exclude minerals, mineral oil, natural gas and petroleum;

(f) "prescribed" means prescribed by the State Government by rules made under this Act;

(g) "Revenue Officer" means an officer appointed or designated as Revenue Officer by the Government under this Act.

3. PROHIBITION OF ENCROACHMENT OF GOVERNMENT LAND.-

No person shall encroach or occupy any government land without the permission of the Government.

4. PENALTY FOR UNAUTHORISED OCCUPATION OF GOVERNMENT LAND.-

Any person who has willfully encroached upon the government land shall be unable to control after being given an opportunity of being heard. Such an offender or offenders shall also pay penal rent for the period of such encroachment and the crops or other agriculture or forest produce, building or any other construction on such land shall be able to be forfeited.

5. REVENUE OFFICER TO ASSESS PENAL RENT.-

(1) Revenue Officer shall make assessment of penal rent to be paid by such person as mentioned in section 4 for the whole period of such encroachment, as may be prescribed by the Government from time to time.

(2) The Revenue Officer may impose such penalty as may be prescribed from time to time, for the unauthorised occupation of the government land in addition to the penal rent assessed under subsection (1).

ASSESSMENT OF RENT AND PENALTY NOT TO BE CHALLENGED IN CIVIL COURT-

(1) The decision as to the rate or amount of penal rent and the penalty under section 5 shall be recorded in writing and shall not be called in question in any Civil Court.

(2) Subject to conditions as may be prescribed, the District Revenue Officer may, in suitable cases, either reduce or remit the amount payable in form of penal rent and penalty under sections 5 and 7.

7. SUMMARY EVICTION, FORFEITURE AND FINES.

(1) The Revenue Officer may summarily evict a person in authorised occupation or encroachment or any land which is the property of Government and on such eviction, any crop or other product raised on such land, any unauthorised construction such as building, etc or anything stacked thereon shall be liable to forfeiture.

(2) An eviction under this section shall be made only after serving a notice as may be prescribed on the person reported to be in authorised occupation or his agent requiring him to vacate the land within such time as the Revenue Officer may deem reasonable after receipt of the said notice and of such notice is not obeyed, by removing such person by applying force from the encroachment land in the manner as may be prescribed.

8. **STAY OF CONSTRUCTION-** The Revenue Officer may, if he has reason to believe that any person unauthorised occupying any land constructing or is about to construct any building or other structure thereon, by order, prohibit such person from proceeding with the construction of, as the case may be, from constructing such building or structure and if such person fails to comply with the order, the Revenue Officer may first issue an order staying such construction and then may impose such penalty as may be prescribed after following the procedure and in the manner as laid down in sections 4 and 5.

9. **PRIOR NOTICE TO BE GIVEN TO PERSON IN UNAUTHORISED OCCUPATION :-**

Before taking proceedings under section 5, section 7 or section 8, the Revenue Officer shall cause to be served on the person reported to be in unauthorised occupation of the property of Government, a notice specifying the land so occupied and calling upon him to show cause on a certain date as to why he should not be proceeding against under section 5, section 7 or section 8.

10. **RECOVERY OF PENAL RENT AS A PUBLIC DEMAND.-**

Any amount of fine or penal rent as may be imposed under this Act on any person unauthorisedly occupying or encroaching upon any government land shall be recoverable from him in form of public demand under the Bengal Public Demands Recovery Act, 1913 or any other law for the time being in force.

11. **APPEAL AND REVISION.-**

(1) An appeal from any decision or order made under this Act by Revenue Officer shall be to

the District Revenue Officer if submitted within thirty days from the decision or order complained of and in computing the said period the time required for obtaining a copy of the decision or order appealed against shall be excluded.

Provided that an appeal may be admitted after the aforesaid period if the applicant satisfies the appellate authority that he had sufficient cause for not preferring the appeal within that period.

(2) The Director, Land Revenue and Settlement of the Government may call for and examine the records of any proceedings under this Act before any Officer from whose decision or order no appeal lies and if such Officer appears to have exercised a jurisdiction not vested in him by law, appears to have failed to exercise his jurisdiction, or in exercising his jurisdiction appears to have contravened some express provision of law affecting the decision on merits, where such contravention has resulted in serious miscarriage of justice, he may, after giving the parties concerned, a reasonable opportunity of being heard, pass such order as he may think fit.

(3) Pending the disposal of any appeal or revision, the District Revenue Officer, or the Director as the case may be may stay the execution of the decision or order appealed against or sought to be revised.

(4) Every memorandum of appeal shall be accompanied with an authenticated copy of the decision or order appealed against.

12. JURISDICTION OF CIVIL COURTS BARRED -

No suit or proceeding shall, unless otherwise expressly provided for in this Act or in any other law for the time being in force, be brought in any Civil Court with respect to any matter arising under and provided for by this Act.

Provided that if in a dispute between parties a question of title is involved, a civil suit may be brought for the adjudication of such question.

13. PROTECTION OF ACTION TAKEN UNDER THIS ACT.-

No suit, prosecution or other legal proceeding shall be against any person for anything done or any action taken in good faith in pursuance of this Act.

14. POWER TO MAKE RULES

(1) The State Government may, by notification in the Official Gazette, make rules for the purpose or carrying out the provisions of this Act.

(2) All rules made under sub-section (1) of this section shall, as soon as may be after they are made, be laid before the State Legislature for a total period of fourteen days which may be comprised in one or more successive sessions and if during the said period the State Legislature makes modifications, if any, therein, the rules shall thereafter have effect only in such modified form; So however, that such modifications shall be without prejudice to the validity of anything previously done under the rules.

15. POWER TO REMOVE DIFFICULTIES.-

If any difficulty arises in giving effect to the provisions of this Act, the Government may, as occasion may require, do anything which appears necessary for the purpose of removing such difficulty.

P. Chakraborty,
Secretary,
Law & Judicial Deptt.
Govt. of Mizoram.