

**MINUTES OF MEETING IN CONNECTION WITH ACQUISITION OF LAND FOR
NATIONAL HIGHWAY NO. 6 HELD AT DC CONFERENCE HALL, KHAWZAWL DISTRICT
ON 26.11.2020 (11.00 AM)**

The meeting was presided over by Pu Zothanmawia, Deputy Commissioner, Khawzawl District and the following members attended the meeting:

1. Pu Lalrohlua, Addl. DC, Khawzawl District and Competent Authority for Land Acquisition (CALA)
2. Pu Lalduhthlana, DFO, Champhai Forest Division
3. Pu Suraj Kumar, Manager (Projects), NHIDCL, PMU-Seling
4. Pu C. Lalthantluanga, Assistant Survey Officer, Champhai
5. Pu Raghu Rayapudi, Deputy Project Manager, Anusha Projects Pvt. Ltd.
6. Pu V. Lalhruaitluanga, Surveyor, Khawzawl
7. Pu H. Lalduhawma, VCP, Dulte
8. Pu P.C. Lalmuankima, VC Member, Dulte
9. Pu Rohmingthanga, Chairman, Landowner Association, Dulte
10. Pu K. Lungmuana, Member, Landowner, Association, Dulte
11. Pu Lalroenga Ralte, Member, Landowner, Association, Dulte

Welcoming the members, the Chairman highlighted the significance of the ongoing project for widening and improvement of National Highway No-6. He stressed the need to expedite the process of land acquisition and obtaining mandatory forest clearances from the competent authority, wherever required, for such stretch of land which falls under the riverine reserved forest area.

Pu Lalrohlua, Addl. Deputy Commissioner and Competent Authority for Land Acquisition (CALA), presented a brief highlight about the progress pertaining to the process of land acquisition under the National Highways Act, 1956 in respect of Khawzawl District as follows:

1. The Central Government declared its intention to acquire lands within the areas of Dulte village through the Gazette Notification S.O. 2738(E) dated 11.08.2020 issued under sub-section (1) of Section 3A of the National Highways Act, 1956 (48 of 1956) for building (widening/four-laning, etc), maintenance, management and operation of NH No. 6 on the stretch of

land from 54.6km to 69.015km in the district of Khawzawl in the state of Mizoram.

2. The Competent Authority for Land Acquisition (CALA), Khawzawl District, in pursuance of the said "3A" Gazette notification and in exercise of the powers conferred under sub-section (3) of Section 3A of the said Act, issued public notice in two local newspapers and invited objections to the acquisition of such lands for the above mentioned purpose from interested persons, as listed below:

Sl. No.	Village/ Town	Date of publication in Gazette	Date of publication in Newspaper	Name of Newspaper
1	Dulte	11.08.2020	20.08.2020	Khawzawl Times
			20-21.08.2020	Siar

3. The Competent Authority for Land Acquisition, in pursuance of the provisions under sub-section (2) of Section 3C of the said Act, gave the objectors an opportunity of being heard, either in person or through a legal practitioner, by hearing the objectors on the 7th September, 2020 (10.00 AM) at Community Hall, Dulte.
4. The Competent Authority for Land Acquisition, after due examination of the written objections including the ground(s) set forth for objections and after personally hearing the objectors, did not find merit in the objections since the interested persons have no reasonable objections to the acquisition of their land in public interest for the aforesaid purpose but only reiterated their claims for compensation commensurate to the value of the land to be acquired and the corresponding damage to their properties and, accordingly disallowed all the objections.
5. The Competent Authority, in pursuance of sub-section (1) of section 3D of the said Act, has submitted its report online to the Central Government through the Bhoomirashi portal.
6. The Central Government, upon receipt of the said report of the Competent Authority and in pursuance to the provisions in sub-section (2) of section 3D of the said Act, through a Gazette notification published in the Gazette of India bearing S.O. 3195(E) dated 18.09.2020 as required under Section 3D of the said Act, declared that on publication of this notification in the Official Gazette, the land specified in the said Schedule shall vest absolutely in the Central Government, free from all encumbrances.

7. Assessment of the assets to be damaged on account of the acquisition of land had been done through a joint survey conducted by representatives of CALA, NHIDCL and the land owners concerned. The calculations for payment of compensation to the affected persons are being worked out by NHIDCL in consultation with CALA.
8. Anusha Projects Pvt. Limited, the contractor under NHIDCL, initiated work on the 14th October at 55km on the NH-6 near Tuivawl river.
9. In the meantime, DFO, Champhai intimated the NHIDCL through a letter dated 18.11.2020 that forest clearance from the competent authority in the Government of India under the Forest (Conservation) Act, 1980 is mandatory before initiation of work within the areas covered by riverine reserved forests along the stretch of land for widening and improvement of National Highways No-6. It is understood that half a mile (i.e. 800 metres) on either side of river Tuivawl has been declared as riverine reserved forests vide Assam Gazette notification No 8 dated 19th May, 1965.

The meeting deliberated on the agenda items in detail and resolved on the following lines:

1. VALIDITY OF TEMPORARY PASSES WITHIN THE LAND COVERED BY RIVERINE RESERVED FORESTS: The meeting was informed that the land covered under the existing chainage in NH-6 from 55+200kmp to 60+395kmp (i.e. 5.195km) {OR in design chainage 49+132kmp to 53+960kmp (i.e. 4.868km)} falls under Tuivawl riverine reserved forests. There are 25 plots of land which are demarcated for acquisition within the riverine reserved forests area.

The meeting was further informed that issue of periodic patta/land settlement certificate within the riverine reserved forests area is a clear violation of section 2 of the Forest (Conservation) Act, 1980 which prohibited, without prior approval of the Central Government, any forest land or any portion thereof to be assigned by way of lease or otherwise to any private person or to any authority, corporation, agency or any other Organisation not owned, managed or controlled by Government.

The Hon'ble Supreme Court in its order dated 15.07.2003 in the case of Civil Appeal No. 7309-7310 of 1996 in State of Karnataka & Ors vs I.S. Nirvane Gowda & Ors also held that "*When the lands were included in reserve forest, the entries in the revenue records were of no consequence... This apart the revenue*

authorities were not competent to deal with the property which were the part of the reserved forest”.

In view of the above legal position, the meeting considered that allotment of land through the issue of land lease, periodic patta, passes, etc. within Tuivawl riverine reserved forests area are not valid since the same is in violation of the Forest (Conservation) Act, 1980 and the standing order of the Hon'ble Supreme Court. Mandatory forest clearance has to be obtained in the land falling under riverine reserved forest area as per the provisions in Forest (Conservation) Act, 1980 for the purpose of widening and improvement of National Highway No-6.

2. ASSESSMENT OF ASSETS TO BE DAMAGED WITHIN THE LAND COVERED BY RIVERINE RESERVED FORESTS: The meeting was informed that there are 25 plots of land which are demarcated for acquisition falling within the riverine reserved forests area and which are notified in the Schedule annexed to the Gazette notification issued under section 3D of the National Highways Act, 1956. Assessment of assets in the above plots of land to be damaged on account of the acquisition of land had been done through a joint survey conducted by representatives of CALA, NHIDCL and the land owners concerned.

The meeting considered the issue of whether or not to pay compensation to the individuals whose land documents falls within the Tuivawl riverine reserved forests area and who continued to maintain their assets within the reserved areas. After detailed deliberation, it was decided that compensation may be paid only for the value of assets to be damaged, as already assessed by CALA with representatives of NHIDCL and landowners, on account of the acquisition of land in the above plots of land falling within riverine reserved forests area without solatium and the value of land since the allotment of land through the issue of land lease, periodic patta, passes, etc. within Tuivawl riverine reserved forests area are not valid and the same is in violation of the Forest (Conservation) Act, 1980 and the standing order of the Hon'ble Supreme Court.

Action: CALA, Khawzawl

The meeting also decided that land documents falling within the Tuivawl riverine reserved forests area may be processed for cancellation after payment of compensation for the assets to be damaged to the individuals concerned.

Action: VC, Dulte & SO, Khawzawl

3. OBTAINING FOREST CLEARANCE FROM THE COMPETENT AUTHORITY: The meeting was informed that forest clearance has to be obtained on the land falling under Tuivawl riverine reserved forest area as per the provisions in Forest (Conservation) Act, 1980 for the purpose of widening and improvement of National Highway No-6. The meeting decided that the matter be pursued immediately by NHIDCL in consultation with Environment, Forests and Climate Change Department through the Parivesh online portal.

Action: Manager (Projects), NHIDCL, PMU-Seling & DFO, Champhai

4. EXECUTION OF WORK BEYOND THE RIVERINE RESERVED FORESTS AREA: The meeting was informed that Anusha Projects Pvt. Limited, the contractor under NHIDCL, initiated work on the 14th October at 55km on the NH-6 near Tuivawl river. However, work on this portion of land has stopped since the same falls under Tuivawl riverine reserved forests area pending forests clearance from the competent authority.

In view of the above position, the meeting decided that work for widening and improvement of NH-6 within Khawzawl District be shifted from the land near River Tuivawl to the land near the Dulte village settlement area accordingly.

Action: Manager (Projects), NHIDCL, PMU-Seling

5. MISSING PLOTS OF LAND FOR FURTHER ACQUISITION UNDER NATIONAL HIGHWAYS ACT, 1956: The meeting was informed that there are plots of land missing in the Gazette notification issued under section 3A and 3D of the National Highways Act, 1956. These plots of lands are considered necessary for inclusion in the proposed right of way and require additional land acquisition for which CALA, Khawzawl District is doing the exercise for preparation of additional 3A notification and shall be submitted to NHIDCL shortly. Joint verification of the

additional plots of land by CALA, NHIDCL and the landowners is proposed to be conducted on 2nd December, 2020.

Action: CALA, Khawzawl

The meeting ended with a vote of thanks from the Chair

Sd/- ZOTHANMAWIA

Deputy Commissioner

Khawzawl District, Khawzawl

Khawzawl, the 1st December, 2020

Memo.No.C.18017/2/2020-DC(KZL)

Copy to:

- 1) The Secretary, Land Revenue and Settlement Department
- 2) The General Manager (Projects), NHIDCL, PMU-Seling, Thingsulthliah
- 3) The Settlement Officer, Champhai/Khawzawl Districts
- 4) The Divisional Forest Officer, Champhai Forests Division
- 5) President, Village Council, Dulte
- 6) Chairman, Landowner Association, Dulte


11/12/20
(LALROHLUA)

Competent Authority for Land Acquisition

&

Additional Deputy Commissioner

Khawzawl District, Khawzawl