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NOTIFICATION

No.H. 12018/229/2013-LJD(REV), the 24th March, 2020. The following Act is hereby published for general information.

The Mizoram (Land Revenue)(2nd Amendment) Act, 2020 (Act No. 4 of 2020)

(Received the assent of the Governor of Mizoram on 11.3.2020)

AN
ACT

further to amend the Mizoram (Land Revenue) Act, 2013 (Act No. 5 of 2013).

It is enacted by the Legislative Assembly of Mizoram in the Seventy First year of the Republic of India as follows, namely:

1. Short title, extent and commencement.—

- (1) This Act may be called the Mizoram (Land Revenue) (Second Amendment) Act, 2020.
- (2) It shall have the like extent as the Principal Act.
- (3) It shall commence on the date of its publication in the Mizoram Gazette.

2. Substitution of the words "deed of apartment" for the words and brackets "Land Settlement Certificate (Apartment)".—

In the Mizoram (Land Revenue) Act, 2013 (hereinafter referred to as the Principal Act), wherever the words and brackets "Land Settlement Certificate (Apartment)" appears, the same shall be substituted by the words "deed of apartment".

3. Amendment of section 2.—

- (1) Clause (5) of section 2 of the Principal Act shall be substituted by the following, namely—
“(5) “apartment number” means the number, letter or combination thereof designating an apartment;”

- (2) Clause (6) of section 2 of the Principal Act shall be substituted by the following, namely–
“(6) “apartment owner” means the person or persons owning an apartment and an undivided interest in the common areas and facilities in the percentage specified in the deed of apartment;”
- (3) In clause (13) of section 2 of the Principal Act, the words and brackets “and otherwise provided in the Certificate of Land Settlement (Apartment)” shall be substituted by the words “provided otherwise in the deed of apartment”.
- (4) After clause (14) of section 2 of the Principal Act, a new clause (14A) shall be inserted as follows, namely–
“(14A) “deed of apartment” means the agreement executed between the promoter and the allottee whenever any allotment, sale or any other transfer of an apartment is made;”
- (5) After clause (30) of section 2 of the Principal Act, a new clause (30A) shall be inserted as follows, namely–
“(30A) “promoter” means the promoter as defined by the Real Estate (Regulation and Development) Act, 2016 (Central Act No. 16 of 2016);”

4. Amendment of section 14.–

After subsection (3) of section 14 of the Principal Act, a new subsection (4) shall be inserted as follows, namely–

- “(4) Land allotted for the purpose of any special programme shall be non-transferable except within the household of the allottee, with the exception of transfer due to sale of mortgaged land for recovery of loan and acquisition of land as per law or policy of the Government:
Provided that the allotment shall be subject to cancellation on failure of the allottee to utilise the land so allotted in accordance with the purpose of the special programme.”

5. Insertion of new section 16A.–

After section 16 of the Principal Act, a new section 16A shall be inserted as follows, namely–

“16A. Unauthorised allotment and penalty thereof

- (1) No person, except as provided under this Act, shall allot any land, and any person who contravenes this provision shall be punishable to pay a fine which shall not be less than the market value of the land as determined by the Collector concerned.
- (2) Any allotment in contravention of the provisions of this Act or any earlier Act shall be null and void, and the occupant or the holder thereof shall –
 - (a) have no right in the land regardless of the period of such unauthorised occupation, and
 - (b) shall be regarded as encroacher, and
 - (b) shall be liable to eviction as per law.
- (3) No person claiming any land under unauthorised allotment shall sell or transfer the land in any manner, and any person who is found to have contravened this provision shall be punishable to pay a fine which shall not be less than the amount of consideration for such sale or the market value of the land, whichever is higher.
- (4) Nothing contained in this section shall bar the person to whom land has been disposed of wrongfully, to apply to the Government for regularisation of occupation of the land, subject to the condition that the application is submitted to the Revenue Officer concerned within 60 days from the date the order for eviction, if any, is delivered to him.”

6. Insertion of new section 17A.–

After section 17 of the Principal Act, a new section 17A shall be inserted as follows, namely–

"17A: Regularisation of unauthorised occupation of land

- (1) Notwithstanding anything contained in this Act, the Government may, by announcing its intention and any terms and conditions as it may impose by notification in the Official Gazette whenever it deems expedient so to do, regularise the unauthorised occupation of Government land within any particular locality or region which have been actually occupied without any objection from any person:
Provided that if any unauthorised occupant of Government land within the area notified wants to regularise his occupation thereof, he shall report the facts in the manner as may be specified;
- (2) After the notification is issued under subsection (1), the locality or region where the unauthorised landholdings are to be regularised shall be zoned and planned, if not already done, by the authorities concerned in association with the Land Committee.
- (3) All the areas earmarked for public amenities shall be plotted and demarcated, and the earth-works for public roads shall be completed as planned:
Provided that no unauthorised occupant shall have the right to claim any compensation in respect of any portion of the land earmarked or planned for public amenities.
- (4) The areas occupied without lawful authorisation excluding the areas planned and demarcated for public amenities may be processed for regularisation, subject to suitability of the land and any other restriction under this Act:

Provided that the land where the residential house of the unauthorised occupant is standing thereon, may ordinarily be regularised as a house site for him.

Provided further that the land actually developed and utilised for agricultural purpose may be regularised as such, regardless of whether the land lies within the notified area of a town or city;

Provided also that no part of the land under unauthorised occupation shall be regularised if—

- (a) the land has been occupied despite objection from the Government or any local authority; or
- (b) continued occupation of the land would violate the provisions of subsection (3) of section 16 or any regulation for the time being in force, or
- (c) the encroachment had commenced after the cut-off date specified by the Government, if any, or
- (d) continued occupation of the land would obstruct any future Government or public-purpose project,
- (e) the encroacher does not accept the terms and conditions specified under this Act or imposed by the Government in the notification;
- (f) the land to be regularised as house site is outside the notified area of a town or city.

- (5) If the land occupied by the unauthorised occupant cannot be regularised due to any of the reasons specified under subsection (4), the occupant shall be evicted as per provisions of this Act.
- (6) The areas to be regularised as house site of the occupant and the buildable portions earmarked for residential areas in the plan, shall be demarcated and plotted as house sites of standard sizes, and a detailed site plan shall be prepared, having regard to the areas occupied by existing houses.

Provided further that in respect of a house site, a site smaller than 111.5 square metres may be regularised as a separate house site if the house of the occupant has been standing on it with proper disposal of waste and undisturbed access to public place.

- (7) Provided that if, in case of regularisation of land for a house site, the unauthorised occupant concerned wishes to retain any area of the land he has been occupying in excess of the ceiling prescribed under this Act, the Government may, having regard to the improvement made by the occupant and his dependence on the land for livelihood and any other reasons as may be deemed sufficient, allow him to retain that portion of the land, subject to payment of redemption fee as may be specified by the Government for this purpose.

Provided that, the total area to be retained by the unauthorised occupant as house site after such redemption under this subsection shall not exceed fifty per cent of the buildable areas previously occupied by him or 2675.6 square metres, whichever is smaller;

Provided also that if, in case of any area in excess of the ceiling for a house site is smaller than the minimum area permissible for allotment as a house site and the occupant would not redeem it, a separate house site having a minimum permissible area for a house site shall be made within the occupied land near a public road and the same shall be taken over by the Government.

- (8) Subject to the provisions of this Act and prior approval of the Government, land regularised for non-residential lands shall be allotted under lease; and residential land to be retained by the occupant may be allotted under Pass or settlement, as the case may be:

Provided that the occupant of the land whose occupation thereof is regularised shall pay –

- (a) any amount specified as the fee and premium for regularisation by the Government, and
 - (b) arrear tax for the period of unauthorised occupation in respect of the whole area utilised during the preceding years, including the annual land tax for the current year in respect of the land to be retained by him; and
 - (c) the cost of surveying in respect of the lands to be retained by him, and any other fee for obtaining the certificate of allotment as per rates approved by the Government.
- (9) When the regularisation of unregistered land holdings is completed for any particular locality or region, the Government shall declare all the vacant areas as Government land bank by notification in Official Gazette:
Provided that strict vigilance shall be kept on the land bank by the Government in association with the Land Committee concerned.
- (10) No encroacher of Government land shall claim regularisation of the encroached land under this section as a matter of right."

7. **Amendment of section 28.**–

After the proviso to section 28 of the Principal Act, a new proviso shall be inserted as follows, namely–

"Provided further that, subject to the provisions of Chapter–IX, the custodian of a special economic zone, or the owner of an industrial estate or a Mega Food Park, or the implementing Department of a special housing project of the Government, may sublet or allot any part of such holding to industrial business units or beneficiaries of the housing scheme, as the case may be, in accordance with the provisions of the Act or Scheme under which such holdings are established."

8. **Amendment of section 36.**–

In subsection (2) of section 36 of the Principal Act, the word "household" shall be substituted for the word "family".

9. **Amendment of section 39.**–
In subsection (1) of section 39 of the Principal Act, the word “household” shall be substituted for the word “family”.
10. **Amendment of section 41.**–
In subsection (2) of section 41 of the Principal Act, the word “Except” shall be inserted before the words “Under special circumstances”; and the word “household” shall be substituted for the word “family”.
11. **Amendment of section 98.**–
In the proviso to subsection (2) of section 98 of the Principal Act, after the words “from time to time by notification,” the words “specify minimum area for anytype of land holding that can be partitioned or transferred, or” shall be inserted.
12. **Amendment of section 108.**–
In section 108 of the Principal Act, the words “Subject to the provisions of Chapter–IX” shall be inserted before the words “Each apartment including”.
13. **Amendment of section 109.**–
Section 109 of the Principal Act shall be substituted by the following, namely–

“109. **Ownership of apartments**
Each group housing or apartment owner shall be entitled to exclusive ownership and possession of his apartment in accordance with the deed of apartment executed and registered under the Registration Act, 1908.”
14. **Amendment of section 112.**–
In section 112 of the Principal Act, the heading of the section shall be substituted by the words “Contents of deed of apartment”.
15. **Amendment of section 113.**–
Section 113 of the Principal Act shall be substituted by the following, namely–

“113. **Record of rights of apartment building**
The land where an apartment building is located shall be recorded in the record of rights, –
(a) if both the land and the apartment building is owned or held by the promoter, under the name of the promoter; or
(b) if the land is not held by the promoter but by any other person, under the name of that person.”

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