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NOTIFICATION

No. H. 12018/116/2002-LJD/4, the 18th December, 2002. 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 (Restriction on use of transferred land) Act, 2002.

(Act No.15 of 2002).

Received the assent of the Governor of Mizoram on the 4th December, 2002.

A.N
ACT

For the restriction of allotment and use of the land at Aizawl, vacated by the Assam Rifles and transferred to the Government of Mizoram to have the best use of the same for public purposes.

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

1. SHORT TITLE AND COMMENCEMENT.

(1) This Act may be called the Mizoram (Restriction on use of Transferred Land) Act, 2002.

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

2. DEFINITIONS

- (1) In this Act, unless the context otherwise requires—
- (a) "Appointed day" means the date on which this Act comes into force;
 - (b) "Collector" means the Deputy Commissioner, Aizawl District Aizawl and it shall include any other officer as may be designated by the Government for the purpose of this Act;
 - (c) "Government" means Government of Mizoram;
 - (d) "Public purpose" means and includes—
 - (i) the provision of land for town-planning;
 - (ii) the provision of land for planned development of land from public funds in pursuance of any approved scheme or policy of the Government.
 - (iii) the provision of any premises or building for locating any public offices or offices for residential quarters for government officials;
 - (iv) the provision of land for carrying out any scheme of the Government for promotion of education, art and culture, sports and youth welfare, health-care and any other activities of this nature;
 - (v) the provision of land for any other scheme of development sponsored by Government in public interest.
 - (e) "transferred land" means the land vacated by the Assam Rifle formations and handed over to the Government in and around Aizawl.

3. VESTING OF TRANSFERRED LAND IN THE STATE GOVERNMENT.

All land vacated by the Assam Rifles in and around Aizawl as specified in the Schedule shall vest, free from all encumbrances, in the Government, and shall be deemed to be, with all rights in or over the same appertaining thereto, the property of the Government, and all rights, title and interest of the Assam Rifles or others claiming through them or any person other than the Government, as may be claimed to be subsisting in such land on the appointed day, shall be deemed to have extinguished.

4. DUTY OF PERSON TO HAND OVER POSSESSION OF TRANSFERRED LAND.

- (1) Where any transferred land vests in the Government under section 3 of this Act, any person who is in possession of such land or portion

of such land at the time of such vesting shall immediately hand over the possession thereof to the Collector or to any other officer authorised by the Collector in this behalf.

- (2) Any person not handing over the possession as required under sub-section (1) shall be deemed to be in unauthorised occupation of such land and shall be liable to be evicted, after giving an opportunity of being heard.
- (3) If the collector or any other officer authorised by him is opposed or impeded by anybody in taking over possession of any such land under this Act, he may use or cause to use such force as may be necessary to the barest minimum to evict such person from the land.

5. RESTRICTION ON FURTHER USE OF TRANSFERRED LAND

The transferred land as per the Schedule so vested in the Government under the provision of this Act shall be used or utilised by the Government only for public purposes.

6. CONSTITUTION OF ADVISORY COMMITTEE.

The Government may constitute a committee consisting of such members or persons as it may deem fit to advise the Government with regard to-

- (a) the allotment of land for public purposes under section 5; and
- (b) any such matter connected with the planned development and use of such land for public purposes, which may be referred to it by the Government.

7. PENALTY FOR CONTRAVENTION OF THE PROVISIONS OF THIS ACT.

Whoever contravenes or abets the contravention of the provisions of section 4 or section 5 of this Act, shall be punishable with simple imprisonment for a period which may extend to 3 (three) months or with fine which may amount to two thousand rupees or with both, and shall be liable to prosecution in accordance with the Code of Criminal Procedure, 1973 (2 of 1974).

8. OFFENCES BY AUTHORITIES AND GOVERNMENT DEPARTMENT.

- (1) Where any offence under this Act is committed-
 - (a) by any department of the Government, the head of such department; or
 - (b) by any authority, every person who, at the time the offence is committed, is directly in charge of, and is responsible to, the authority for the conduct of the business of the authority as well as the authority shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly :

(2) Notwithstanding anything contained in sub-section (1), where any such offence punishable under this Act, is committed by a department of the Government or any authority referred to in clause (b) of sub-section (1) and it is proved that the offence is committed with the consent or connivance of, or is attributable to any negligence on the part of any officer other than the head of department, or in case of an authority, any person other than the person referred to in clause (b) of sub-section (1), such officers or persons shall also be deemed to be guilty of that offence and shall be liable to punishment for abetment of the offence as punishable under section 7 of the Act.

9. BAR OF JURISDICTION OF CIVIL COURTS.

Except as expressly provided in this Act, and the rules made thereunder, no civil court shall have jurisdiction to entertain any suit against any officer or authority for anything done in good faith or intended or purported to be done in pursuance of this Act or any rule or order made thereunder in respect of:-

- (a) cancellation of Certificates of Land Settlement already granted to private parties within the areas of Assam Rifles at Aizawl, overlapping the land of Assam Rifles ;
- (b) cancellation of those Certificates of Land Settlement without payment of compensation to the holders of Certificates of Land Settlement;
- (c) non-refund of payments already made for registration fees etc. of Certificates of Land Settlement, revenue and taxes collected from the holders of such Certificates, and
- (d) evictions of the occupants, or demolitions or destruction of any structure, or building within the areas covered by the Certificate of Land Settlement of any private party or parties.

10. APPEAL.

An appeal shall lie against any order passed under this Act by authorities other than that of the Government to the Government within 45 (forty five) days from the date of issue of orders passed by such authorities, and such appeal, if preferred, shall be disposed of in accordance with the procedure as may be prescribed under the rules.

11. POWER TO MAKE RULES.

- (1) The Government may, by notification in the Official Gazette, make rules for carrying out of the provisions of this Act.
- (2) If rules are made under this Act it shall be laid as soon as may be after it is made before the Mizoram Legislative Assembly.

SCHEDULE
(Section -3 & 5)

BOUNDARY DESCRIPTION OF LAND
OCCUPIED BY ASSAM RIFLES AT AIZAWL

Area : 1641525. Sqm.
=16.42 Hectares.

Block-1. (Main Barrack Area)

Northern Side :

The boundary line starts from south west corner of Shillonga's building at Bungkawn. Hence the line runs down along the southern boundary line of the land belonging to Modern School, Lahunmawia and R. V. Laimawia. It then bends towards south-east and runs along the western boundary line of the land belonging to Lalauva, Laihnuma, Lalhlamuana and Zozinga till it meets Mirawng lui at the south of Zozinga's land. It then follows down the stream till it meets the step/foot path at the north-western coner of Zamana's land.

Eastern Side :

The boundary line then runs along the south-western boundary land Zamana, Zathuama, Lalbuma, Manliang, Thanglianzaava, R. Khuanchhunga, C. Lalzarliana and Lalbiatluanga. The line bends towards east direction and meets the Bethlehem main road in front of Pu K. Vanlalthanga's building, Tuthiang. From here it follows the main road edge towards Bethlehem upto Sihruikhur. It then follows up the step upto the foot path in front of Pahlia's building. The line follows the foot path till it meets the step leading to Treasury Square. The line then crosses the step and follows the western edge of the metalled road leading to Venghliu upto Vai lui.

Southern Side :

From Vai lui kai the line follows up the stream upto Venghliu Tuikhur. It then runs along the northern boundary line of the land belonging to Lawmthanga, Zarzoliana Pachuau, C. Ngura (I) and V. Lalzuithanga and meets the road bending towards north-west corner of V. Lalzuithanga's land. The line then follows the road upto the traffic point near the Head Post Office.

Western Side :

The line follows the eastern main road edge passing through the A.R. Ground gate and the gate near A.R. Hospital then meets the starting point.

The whole boundary line is measured along the existing fencing of Assam Rifles.

Block - II.(Mandi Area)

Starting from northern end of fly-over bridge at Zodin Square, the boundary line runs along the eastern edge of Canteen kua main road upto Canteen square and turns towards south along the western edge of the main road upto the starting point.

Block -III. (A.R. Church Area)

- Southern Side : The Boundary line starts from the upper end of step, north of Thangneuva's building, it follows down the step upto the main Vaivakawn road.
- Western Side : The line then follows eastern edge of Vaivakawn main road till it meets Hauzikpuil's land.
- Northern Side - The line runs along the south west boundary line of land belonging to Hauzikpuil, V.Neibkuanga, Nunzira and E.C. Thakur.
- Eastern Side : The line then runs along the western edge of the main road upto the starting point.

B. BOUNDARY DESCRIPTION OF A.R. OCCUPIED LAND AT
TUIKHUAHTLANG (ADJUTANT QUARTER)

Area-3789-00 Sqm.
= 38 Hectares.

- Starting Point Boundary Pillar No. 1 is erected at south west corner of land near South Western Gate which is the starting point of measurement.
- B.P.NO. 1-2 Boundary line runs towards 342 deg. direction and at a distance of 4.00m, B.P.NO.2 is fixed. It is near the Main Gate.
- B.P.NO. 2-3 Boundary line runs beside the road connecting Tuikhuahtlang and Treasury Square in the direction of 56 degrees. At the distance of 42.80m, (S)B.P NO.3 is fixed. The Pillar is 6.00m north west of Telephone Pole.
- B.P. NO. 3-4 Boundary line runs beside Tuikhuahtlang to Treasury Square road in the direction of 111 degrees. At the distance of 4.80m (S), B.P. NO.4 is fixed.
- B.P. NO. 4-5 Boundary line runs beside Republic road in the direction of 110 degrees. At a distance of 42.00m(S), B.P.NO. 5 is fixed.

- B.P. NO. 5-6 From B.P.NO. 5, the boundary runs beside Republic Road in the direction of 122 degrees. At the distance of 4.70m(S), B.P.NO 6 is fixed.
- B.P. NO. 6-7 From B.P. NO. 6, boundary line runs beside Republic Road, in the direction of 150 degrees. At the distance of 5.30m (S), B.P. NO. 7 is fixed.
- B.P. NO. 7-8 From B.P. NO. 7, boundary line runs beside Republic Veng road in the direction of 171 degrees. At the distance of 6.20m(S) B.P.NO.8 is fixed.
- B.P. No. 8-9 From B.P. NO 8 boundary line runs beside the road leading to Governor's Staff Quarter in the direction of 195 degrees. At the distance of 20.20m(S), the B.P.NO 9 is fixed.
- B.P. NO. 9-10 From B.P. NO. 9 boundary line runs beside the above road making a direction of 211 degrees. At the distance of 25.70m (S) the B.P. No. 10 is fixed. This B.P. No. 10 is 3.60m (s) from the Electric Pole which lies beside the road.
- B.P. NO. 10-11 Starting from B.P.NO. 10 boundary line runs along All India Radio boundary line with the direction of 287 degrees. At the distance of 25.00m(S), the B.P.NO.11 is supposed to be fixed.
- B.P. NO. 11-12 From B.P.NO.11 boundary line runs along the All India Radio permanent fencing with the direction of 316 degrees. At the distance of 5.00m(S) the B.P.NO. 12 is fixed.
- B.P. NO. 12-13 From B.P. NO. 12 boundary line runs along A.I.R permanent fencing the direction of 297 degrees. The distance of 42.00 (S) the B.P. NO. 13 is fixed.
- B.P. NO. 13-1 From B.P. NO. 13 the boundary line runs along the fence bounded by Patriot Paul Huhnar compound, in the direction of 342 degrees. At the distance of 20.00m(S), it meets B.P. No. 1.

C. BOUNDARY DESCRIPTION OF A.R. OCCUPIED
LAND AT MC. DONALD HILL

Area 1252.25 Sqm.
0.13 Hectare

- Starting Point The Starting Point, Boundary Pillar No. 1 is fixed near the step at the distance of 0.30m from Telephone Post.
- B.P. NO. 1-2 From B.P. NO. 1, the line runs in the direction of 153 degrees along Pu Lalsiama's land towards the western side. At a distance of 7.00m (S) Pillar No. 2 is fixed.

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- B.P. NO. 2-3 From B.P. NO. 2, the line runs in the direction of 162 degrees along Pu Lalsiama's land. At the distance of 17.00m(S) Pillar No. 3 is fixed.
- B.P. NO. 3-4 From B.P. NO. 3, the line runs in the direction of 268 degrees along Pu Saingbinga's land (towards the western side) at the distance of 19.00m B.P. NO. 4 is fixed.
- B.P. NO. 4-5 From B.P. NO. 4, the line runs in the direction of 340 degrees along Pu Zasangi's land towards the northern side at the distance of 30.00m (S) Pillar No. 5 is fixed.
- B.P. NO. 5-6 From B.P. NO. 5, the line runs in the direction of 15 degrees towards the north east side of Zarkawi Hall at a distance of 30.00m(S) B.P. NO. 6 is fixed.
- B.P. NO. 6-7 From B.P. NO. 6, the line runs in the direction of 71 degrees along Primary School towards the eastern side. At a distance of 22.00m(S) B.P. NO. 7 is fixed.
- B.P. NO. 7-8 From B.P. NO. 7, line runs in the direction of 191 degrees towards the southern side. At a distance of 19.40m(S) B. Pillar No. 8 is fixed.
- B.P. NO. 8-9 From B.P. NO. 8, line runs in the direction of 222 degrees along Pu Lalduha's land. At a distance of 10.00 Pillar No. 9 is fixed.
- B.P. NO. 9-1 From B.P. NO. 9, the line runs in the direction of 194 degrees along Pu Lalduha's land. At a distance of 9.40m(S) it meets Pillar No. 1 already fixed.

D. BOUNDARY DESCRIPTION OF LAND OCCUPIED BY ASSAM RIFLES AT KHATLA

AREA = 396606 Sqm.
= 39.66 Hectares

Starting Point : Boundary Pillar No. 1 is fixed at the eastern edge of the road junction (approach to Bungkawn Venghnuai Govt. Complex and Khatla Bazar).

South East Side : The Boundary lines starts from B.P. No. 1 parallel to the approach road to Govt. complex along the eastern edge of the said road passing boundary No. 2 to 75 and B.P. No. 76 is fixed at the A.R. marked No. SPBP 195657 from where the road bends away.

- Northern Side** : B.P. No. 76 the boundary line follows a stream north east direction upto B.P. No. 77 which is fixed on the bank of Tuikual lui marked RQ 196558. The line then follows the Tuikual lui upto the great bending River where B.P. No. 79 is fixed through B.P. No. 78.
- Eastern Side** : The boundary line runs up along the Tuikual lui passing Boundary Pillar No 80-90. B.P. No. 91 fixed at the stream junction of Tuikual lui and its tributary that starts from east of Sainik building.
- Southern Side** : The boundary line follows a stream upto a culvert east of Sainik building. The line then bends, west just including the Sainik building then passing through the two Assam Rifle gates along the fencing then meets the starting point (B.P. No. 76).
- N.B.** : The Pillars along the stream are fixed 5m inside the occupied area for prevention from damaged by flood.

E BOUNDARY DESCRIPTION OF A.R. OCCUPIED LAND AT AIZAWL (COMMANDANT BUNGALOW)

DESCRIPTION OF BOUNDARY Area : =7756.75 Sqm.
=0.78 Hectares.

- Starting Point** : Boundary Pillar No. 1 is fixed at the north eastern corner of the land near main road, and the pillar is 0.4m (H) from Kawlkhumia's RCC building south eastern corner and 1.8m from electric post.
- Eastern Side or FRONTAGE** : From B.P. No. 1 boundary line runs towards 198 degrees along main road. B.P. No. 2 is fixed at the distance of 21.5m (S) i.e. 21.47m (H).
- B.P. No. 1-2**
- B.P. No. 2-3** : Boundary line runs towards 183 degrees and B.P. No. 3 is fixed at a distance of 6.8m (S) i.e. 6.79m (H) from pillar No. 2.
- B.P. No. 3-4** : From B.P. No. 3 boundary line runs towards 159 degrees beside the road. The 4th pillar is fixed at the distance of 12.7m (S) i.e. 12.65m (H) near fir tree.
- B.P. No. 4-5** : Boundary line runs towards 186 degrees and the fifth pillar is fixed at a distance 6.0m (S) i.e. 6.57m (H) from pillar No. 4.

- B.P. No. 5-6 : Boundary line runs towards 220 degrees across the fencing wall and the distance of 21.0m (S) i.e. 20.92m (H) from the 5th pillar, the main pillar is fixed.
- B.P. No. 6-7 : Boundary line runs towards 220 degrees across the fencing walls at the distance of 12.1m (S) i.e. 12.05m (H) from pillar No. 6th boundary pillar is fixed.
- B.P. No. 7-8 : From B.P. No. 7 the line runs towards 195 degrees across the gate pillar No. 8th is fixed which is 5.9m (S&H) from the 7th pillar.
- B.P. No. 8-9 : Boundary line run towards 190 degrees with parallel to main road edge against the KCC Fencing wall at the 30.0m (S&H) from the pillar No. 8th a B.P. is fixed.
- B.P. No. 9-10 : From B.P. No. 9 the line runs towards 172 degrees across the fencing and crossing the gate, at a distance of 11.50m (S&H), the B.P. No. 10th is fixed which is the south eastern corner of the site.
- SOUTHERN SIDE or DEPTH : Boundary line runs towards 260 degrees beside the step, B.P. No. 11th is fixed which is at a distance of 30.0m (S) i.e. 27.19m (H) from B.P. No. 10th.
- B.P. No. 10-11 :
- B.P. No. 11-12 : From the fixed pillar No. 11th boundary line runs towards 267 degrees. At a distance of 30.0m (S&H) the pillar No. 12th is fixed.
- B.P. No. 12-13 : Boundary Pillar line runs towards 278 degrees across the fencing parallel to building wall. Where the B.P. No. 13th is fixed away of 17.00m (S&H) from B.P. No. 12th.
- B.P. No. 13-14 : From the Pillar No. 13th the line runs towards 278 degrees and at a distance of 7.50m (S) i.e. 7.05m (H) from 13th, Pillar No. 14th is fixed. This south western corner of the site.
- WESTERN SIDE or Base : Boundary line runs from pillar No. 14th towards 15 degrees across fencing at a distance of 21.0m (S) 20.98m (H). Pillar No. 15th is fixed.
- B.P. No. 14-15
- B.P. No. 15-16 : Boundary line runs towards 27 degrees from 16th pillar along fencing. At a distance of 30.0m (S&H) the Pillar No. 16th is fixed.
- B.P. No. 16-17 : Boundary line runs toward 25 degrees along fencing, at a distance 10.9m (S&H) near steep edge Pillar No. 17th is fixed.

- B.P. No. 17-18 : From pillar No. 17 boundary line runs towards 348 degrees. Boundary Pillar No. 18th is fixed, 7.40m (S) i.e. 6.41m (H) away from the last pillar.
- B.P. No. 18-19 : From Pillar No. 18, boundary line runs towards 43 degrees across fencing B.P. No. 19th is fixed 25.00m(S&H) away from the last pillar.
- B.P. No. 19-20 : Boundary line runs towards 55 degrees parallel to jeep road. Pillar No. 20th is fixed at a distance of 27.00m (S) i.e. 26.96m (H) from the last pillar, which is near nullah.
- B.P. No. 20-21 : Boundary line runs parallel to jeepable road towards 31 degrees. B.P. No. 21 is fixed at a distance of 39.00m (S) i.e. 37.67m (H) from last pillar.
- NORTHERN SIDE : From the Pillar No. 21 the boundary line runs towards 105 degrees across private land. Pillar No. 22 is fixed which is 24.00m (S) i.e. 20.78m (H) from Pillar No. 21.
- B.P. No. 21-22
- B.P. No. 22-23 : From the Pillar No. 22 the boundary line runs toward 27 degrees at a distance of 2.90m (S&H), Pillar No. 23 is fixed.
- B.P. No. 23-1 : Boundary line runs towards 126 degrees from Pillar No. 23 at a distance of 9.80m (S) i.e. 2.21m (H) Pillar No. 1 is fixed which is starting point.

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