

SCHEME FOR REHABILITATION/RESETTLEMENT OF BEAS SUTLEJ LINK AND
UHL PROJECT OUSTEES OF MANDI DISTRICT.

Consequent upon the acquisition of land and other properties for execution of Beas Sutlej link Project and Uhal Hydel Electric Project people in many villages of Mandi District have been and are being affected. Although a plan for the settlement of Beas Sutlej Link Project oustees in Rajasthan Canal Area has not yet been finalised, yet many oustees of these projects do not want to leave Himachal Pradesh and they want to settle themselves in the near by areas of their original residences or within Himachal Pradesh. The main demand of the oustees is to provide them with land as majority of the oustees are agriculturists and cannot adopt any other profession.

Keeping in view the problems of the oustees who are to be rehabilitated within Himachal Pradesh and in Rajasthan Canal area, this Govt. has approved the following scheme for rehabilitation of those oustees, who may not like to go to Rajasthan Canal area for settlement within Himachal Pradesh by way of allotment of Charand and Forest land in the following manner, subject to the availability of such land within Himachal Pradesh :-

1. Every oustees will apply for the allotment of land on a prescribed proforma;
2. The oustee will mention in his application the choice of his land, area, khastra number.
3. The plan of the land to be allotted will be prepared by the Land Acquisition Patwari of the Land Acquisition Office (BSL) H.P. and the record of Muhal Patwari will immediately be handed over to the Land Acquisition Staff whenever wanted. Tehsildars and N.T./will issue necessary direction to the Muhal Patwaris to hand over the record to Land Acquisition Staff for the purpose.
4. Application of the oustees will be entered in a register to be maintained in the Land Acquisition Office;
5. On receipt of such application in the Land Acquisition Office, the Field Kanungo, of that office will scrutinize them on the spot and submit them alongwith the report through N.T. (Land Acquisition) after classifying the kind of land and assessment of Land Revenue.

Note :- For this the areas available will have to be notified.

6. No notice to the right holders including Panchayats and Forest Department will be issued. The Forest Department's representative i.e. Range Officer will inspect the spot alongwith the Naib Tehsildar Land Acquisition Office on the dates to be fixed by the Land Acquisition Office (BSL) Mandi so that there is no delay in allotting the land to the oustees. The joint report of the Naib Tehsildar and the Range Officer after spot inspection, should be sent direct to the Land Acquisition Officer and not through the Divisional Forest Officer to Minimise the delay. The investigating Office (field Kanungo Naib Tehsildar Land Acquisition, and representatives of Panchayats will see that no such land is recommended which causes trouble to the community, The Land Acquisition Officer will then submit the file to the D.C. who will be final sanctioning authority, for allotment of land to the oustees.
7. Land earmarked for allotment to the oustees may not be measured for grant of Nautor oustees nor nautor may be granted with in the area earmarked for resettlement of the oustees, unless, oustees are rehabilitated properly.
8. Applications of the oustees of the following categories will be entertained by the Land Acquisition Officer;
 - (a) Tenants who have no land.
 - (b) purely Gharaties oustees.
 - (c) Ousteas who possess land upto 5 bighas,
 - (d) Ousteas who possess land above 5 bighas but not exceeding 10 bighas.
 - (e) Ousteas who possess land more than 10 bighas.
 - (f) Non-agriculturists oustees.
 - (g) Other oustees.
9. In the first instance land to the oustees of the category at (a) to (d) will be allotted so as to

make maximum holding of an oustees upto 10 bighas per family. In case, the purely Gharaties oustees may not like allotment of land in the area available for their resettlement, they will be allotted 10 bighas of land for Gharats and residential purpose, if available.

10. Non-agriculturists oustees will be allotted 10 biswas of land per family for construction of houses.
11. Applications of the category (e) and (g) above will be considered for allotment of land on availability of land.
12. Ousteas will be eligible for allotment of land any where in Himachal Pradesh.
13. Grant of land will be on payment of charges mentioned in H.P. Nautor Rules, 1965.
14. The Deputy Commissioner, Mandi shall be competent to grant land to the oustees up to the maximum limit prescribed above and the land Acquisition Officer, Mandi upto 5 bighas for family.
15. An appeal from an order of the Land Acquisition Officer shall lie to the Deputy Commissioner Mandi and second appeal to the Commissioner. There will be no third appeal.
16. In the cases of grant of land more than 5 bighas sanctioned by the Deputy Commissioner Mandi the first appeal shall lie to the Commissioner, and second to the Financial Commissioner provided that there shall be no appeal against the order of the Commissioner, confirming in appeal the order of the Deputy Commissioner.
17. The period of limitation for appeal shall be the same as provided for Nautor cases under rule 29 of H.P. Nautor Rules.

Removal of Encroachments

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Government of Himachal Pradesh
Department of Revenue**

From

The F.C.-cum-Secretary (Revenue)
to the Govt. of Himachal Pradesh.

To

All the Deputy Commissioners in
Himachal Pradesh.

Dated Shimla-171002, the 13 March, 1990.

Subject:- Removal of encroachments.

Sir,

I am directed to state that the matter regarding the removal of encroachments has been engaging the attention of the Government for sometime.

As you are aware, right now, proceedings for the removal of encroachments on Government land can be initiated under more than one set of laws. Action to remove an encroachment on the acquired width of a scheduled road can be taken by a Collector under the Himachal Pradesh Road Side Land Control Act. Similarly, a Collector is empowered to hold proceedings for the eviction of an unauthorised occupant from public premises under the Himachal Pradesh Public Premises and Lands (Eviction and Rent Recovery) Act. Besides this, steps to remove an encroachment from Government land can also be taken under section 163 of the Himachal Pradesh Land Revenue Act.

The provisions of the Himachal Pradesh Road Side Land Control Act are designed to meet emergency situations where very prompt action is called for in order to remove an encroachment on the acquired width of a scheduled road so as to ensure free flow of traffic and a reasonable possibility of making use of the whole acquired width of the road whenever the need for that arises in future. The extent of the inconvenience that may result from an encroachment on a public road calls for urgent remedial measures. These are adequately provided for under the Himachal Pradesh Road Side Land Control Act and can be made use of with advantage.