

THE ACQUISITION OF IMMOVABLE PROPERTY RULES, 1982

NO. S.R.O. 172-L/82 : In exercise of the powers conferred by section 46 of the Acquisition and Requisition of Immovable Property Ordinance, 1982 (II of 1982), the Government is pleased to make the following rules, namely : —

1. Short title: These rules may be called the Acquisition of Immovable Property Rules, 1982.

2. Definitions : In these rules, unless there is anything repugnant in the subject or context,

(a) "*Form*" means a Form appended to these rules ;

(b) "Ordinance" means the Acquisition and Requisition of Immovable Property Ordinance, 1982 (II of 1982) ; and

(c) "Section" means a section of the Ordinance.

3. Proceedings for acquisition : There shall be a separate proceeding for each proposal of acquisition under the Ordinance.

4. Notices under section 3, 6 and 7 : (1) The notices under section 3, 6 and 7 shall be in Forms 'A', 'B' and 'C' respectively.

(2) The notices under sections 3 and 6 shall be affixed at convenient places on or near the property sought to be acquired, with copies of such notices displayed in the notice Boards of the Collectorate, Office of the Upazilla Revenue Officer, Tahsil Office and Office of the Local Parishad or Paurashava within the local limits of which such property situates.

5. Declaration of acquisition and possession : The declaration regarding acquisition and possession of property under section 11 shall be made in Form-D.

6. Declaration of abatement and revocation of proceedings : The declaration of abatement of acquisition proceedings under sub-section (1) section 12 shall be made in Form-E and the notification required to be issued under sub-section (2) of the said section shall be made in Form-F.

7. Transfer of acquired land : (1) When an acquired land is proposed to be transferred to any person other than the Government under subsection. (1) of section 15, such person shall, subject to sub-rule (2), enter into an agreement with the Government in Form-G.

(2) A deed of transfer in Form H shall be executed for transfer of the property to any person other than the Government and such person shall be liable to pay stamp-duty and other charges incidental to such execution in accordance with the existing laws for the time being in force.

8. Assessment of compensation : Subject to the provisions of sections 8 and 9, in determining the compensation, the following matters and circumstances shall also be considered :—

(a) the nature and condition of the property ; and

(b) the prevailing letting value, if any, of similar property in the locality.

(2) In calculating the market value of any property for the purpose of clause (a) of sub-section (1) of section 8, in the case of land, the average value per acre of land transferred shall be calculated from the total amount of sale figures divided by the total quantity of land transferred.

(3) In case of acquisition of any building, including pucca or kutchha, the market value shall be determined keeping in view the cost of construction cost on development of land including approaches and depreciation of building in consultation with public works department.

9. Unutilised Acquired property : The Deputy Commissioner will submit a statement to the Government annually about the properties acquired for different requiring persons and mode of utilisation of the land. Such statement shall be submitted by the 15th July of each year.

FORM-A

[See sub-rule (1) of rule 4]

Acquisition Case No.of 198.....

Date of issue :

NOTICE

Whereas the property described in the Schedule below is needed or is likely to be needed for the public purpose of and in the public interest ;

Now, therefore, in pursuance of the provisions of section 3 of the Acquisition and Requisition of Immovable Property Ordinance, 1982 (II of 1982). It is hereby notified for the information of all concerned that the said property is proposed to be acquired by the Government.

Any person interested in the said property may, within 15 days after the publication of this notice, file objection against the proposed acquisition of the property to the undersigned.

The Schedule

Plot No./Nos. :

Khatian No./Nos. :

Mouza :

P. S. :

Total area :

Deputy Commissioner

Dated the **District**

FORM-B

[See sub-rule (1) of rule 4]

Acquisition Case Noof 198.....

NOTICE

TO :Owner/occupier/interested persons in the property.

Notice is hereby given as required under section 6 of the Acquisition and Requisition of Immovable Property Ordinance, 1982 (II of 1982), that the Government has decided to acquire the property described in the schedule below and intends to take possession thereof.

The owner/occupier/persons interested in the said property is/are hereby called upon to appear personally or by authorised agent before the undersigned on(date) at the office of
.....at(time) to —

- (1) state the nature of the respective interests in the said property and particular of their claims for such interests ; and
- (2) make or deliver a statement containing so far as may be practicable, the name of every other person possessing any interest in the said property or any part thereof as co-sharer, mortgagee or otherwise, and of the nature of such interest and profits, if any, received or receivable on account thereof.

The Schedule

Deputy Commissioner

Dated.the.....198

.....**District.**

FORM - C

[See sub-rule (1) of rule 4]

Acquisition case No.....of 198.....

NOTICE

To

Notice is hereby given as required under sub-section (3) of section 7 of the Acquisition and Requisition of Immovable Property Ordinance, 1982 (II of 1982) that you have been treated as the person/persons interested in the above case subject to verification of rights and title and in my opinion compensation at the following rates be allowed to you :

- Compensation for land per acre @Tk.....total Tk.....
- Compensation for structure @Tk.....total Tk.....
- Compensation for other property @Tk.....total Tk.....

Total Tk. :

The sum payable to you is Tk you should appear before me personally or by a duly authorised agent on or before(date) for receiving the payment after confirmation of title by the Kanungo.

Deputy Commissioner

Dated. the.....198

.....District.

FORM - D

[See rule 5]

Acquisition Case No of 198.....

DECLARATION

Whereas the property described in the schedule below has been decided to be acquired and compensation therefor has been paid or is deemed to have been paid in pursuance of section 10 of the Acquisition and Requisition of Immovable Property Ordinance, 1982 (II of 1982) ;

Now, therefore, in pursuance of sub-section (2) of section 11 of the said Ordinance, I am pleased to declare that the said property stands acquired and vests absolutely in the Government free from all encumbrances :

The Schedule

Plot No./Nos. :

Khatian No/Nos. :

Mouza :

P. S. :

Total area :

Deputy Commissioner

Dated. the.....198

.....**District.**

FORM - E

[See rule 6]

Acquisition Case No of 198.....

DECLARATION

Whereas the estimated amount of the award of compensation has not been deposited by the requiring person for acquisition of the property described in the Schedule below within the period of sixty days from the date of receipt of the estimate as required under sub-section (4) of section 7 of the Acquisition and Requisition of Immovable Property Ordinance, 1982 (II of 1982) ;

Now, therefore, in pursuence of sub-section (1) of section 12 of the aforesaid Ordinance, I am pleased to declare the all proceedings in respect of such acquisition and abated from(date).

The Schedule

Plot No./Nos. :

Khatian No/Nos. :

Mouza :

P. S. :

Total area :

Deputy Commissioner

Dated.the.....198

.....District.

FORM - F

[See rule 6]

Acquisition Case No of 198.....

NOTIFICATION

Whereas acquisition proceedings were stated in case No of 198for acquisition of the property described in the Schedule below under the Acquisition and Requisition of Immovable Property Ordinance, 1982 (II of 1982), but compensation therefor has not yet been paid.

Now, therefore, in exercise of the powers conferred by sub-section (2) of section 12 of the aforesaid Ordinance, I, with the prior approval of the Government, revoke all the proceedings in respect of acquisition of the said property.

The Schedule

Deputy Commissioner

Dated. the.....198

.....District.

FORM - G

[See rule 7]

Acquisition Case No of 198.....

AGREEMENT

Whereas the property described in the Schedule below is required by us for ...
... .. and it is necessary to initiate proceedings for acquisition of
the said property under the Acquisition and Requisition of Immovable Property
Ordinance, 1982 (II of 1982) ;

Now, therefore, we the requiring persons hereby agree and undertake to abide
by the requirements of the aforesaid Ordinance and to pay the compensation
and other charges for the said property.

We also undertake to follow all such terms and conditions as may be
determined by the Government in this behalf.

This agreement made on theday of198

The Shedule

Name and signature of
witness with address.

Name and signature of the requirng
persons with address.

.....

.....

1.

1.

2.

2.

3.

3.

FORM - H

[See sub-rule (2) of rule 7]

This INDENTURE is made thisday of 19between the Government of Bangladesh (hereinafter called the Government) on the one part and having its office atin (hereinafter called the requiring person) on the other part ;

Whereas in the month ofthe requiring person applied to the Deputy Commissioner to acquire the property/properties hereinafter described under the provisions of the Acquisition and Requisition of Immovable Property Ordinance (Ordinance II of 1982) for the establishment of and the Government, being satisfied that the proposed acquisition was needed for the aforesaid purpose and that the said work was likely to prove useful to the public, consented to acquire on behalf of the requiring person the property hereinafter described ;

And whereas pursuant to the provisions of section 15 of the Ordinance the requiring person entered into an Agreement with the Government on whereby it was agreed *inter alia* that the requiring person shall pay to the government all compensation and other charges for the said property ;

And whereas the Deputy Commissioner having duly made an award of compensation under section 7 of the said Ordinance and took possession under section 11 of the properties which thereupon vested absolutely in the Government free from all encumbrances :

And whereas on theday of 19 possession of the said property was made over by the Deputy Commissioner to the requiring person ;

And whereas the requiring person has deposited with the Deputy Commissioner onthe sum of Tk (... ..) being amount so far demanded, and whereas the requiring person admits its liability to pay any further sum demanded ;

Now, this INDENTURE witnesseth that in pursuance of the said Agreement the Government doth hereby grant lease unto the requiring person ALL THAT property/piece or parcel of land more particularly delineated in the plan hereunto annexed and described in the schedule TO HOLD unto the requiring person with usual rent/taxes as may be fixed by the Revenue Authority and it is hereby agreed and declared that if, at any time hereafter the said property/premises shall (except with the sanction in writing of the Government) be used by the requiring person for any purpose, other than theor purposes incidental thereto or if the said property for a period ofconsecutive months cease to be held and used or cease to be

required for such purpose the requiring person shall surrender the said property and the Government may re-enter upon and take possession of the said premises together with all buildings thereon which shall thereupon rest in the government absolutely.

And the Government may either sell the said premises and buildings thereon and upon such sale the Government shall after deduction the expenses of taking possession and selling, pay the balance of the said proceeds of sale to the requiring person or the Government may retain the said premises together with all buildings there in which case the Government shall repay to the requiring person all sums received from the requiring person in respect of the aforesaid premises as compensation (less the statutory allowance of 20 per cent and less any amount received from the requiring person on account of trees and buildings which are not in existence at the time of resumption) but not sums received on account of costs, charges and expenses ;

Should any dispute or difference arise concerning the subject matter of the deed or any convenient clause or thing herein contained, the same shall be referred to the Government and the decision of the Government upon such dispute or difference shall be final and conclusive and binding on the parties hereto.

The schedule above referred to :

All that piece of land situated in the..... district..... P.S.....
.....
MouzaJ. L. No..... containing an
area of..... acres comprising C. S, S. A., R. S. Plot
Nos.....
bounded on the—

- North—
- East—
- South—
- West—

In witness thereof the said requiring person has caused its common seal to be affixed and the Government hath hereto set his hand and seal this day and year first above written.

The common seal of the above named..... Requiring person was hereto affixed in the presence of..... Witness.

Head of Office/Chief Executive Officer
with seal.

Signed, sealed and delivered by the Deputy Commissioner of on behalf of the Government of the People's Republic of Bangladesh.

(Witness)

(Signature)

Deputy Commissioner,

.....District.