

IMMEDIATE
No.19016 (2)/85- Policy IV
Govt. of India
Ministry of Works & Housing
Dte of Estates
New Delhi 25th Apr 1985

OFFICE MEMORANDUM

SuB : Requisitioning and Acquisition of Immovable Property Act, 1952 Need for release of requisitioned proportion in time and keeping control over requisitioning of proportions by various Ministries/Departments.

In terms of Section 6 (1) Requisitioning and Acquisition of Immovable Property Act, 1952, properties requisitioned on or before 10th Mar 1970 were required to be released from requisition by 10th Mar 1985 and proerties requisitioned after 10th Mar, 1970 within 15 years from the date of requisition. Since number of properties requisitioned by various Ministry/Departments/Union Territories could not be released from requisition with in the period specified in the Act, an Ordinance was promulgated by the President on 8th Mar 1985 amending Section 6 (1A) and 8 (2 (A) (c) (ii) of the Act to enable retention of such properties for a further period of the years. Subsequently, the Ordinance has been replaced by the Requisitioning and Acquisition of Immovable Property/ (Amendent) Act, 1985 a copy of which is sent herewith.

2. It has been observed that no proper watch over release of the requisitioned properties by various Ministries/Department is kept with the result that statutory requirement of release of the properties within the specified period is over looked which necessitated amendment of the Act. During consideration of the amending Bill in Parliament in Mar 1985, the Minister of Works & Housing has given an assurance that all the properties which were due to be released from requisition Should be derequisitioned positively before 2 years, and if possible much earlier. There is therefore, no possibility of further amendment of the Act for retention of the requisitioned properties beyond the period of 17 years. All the Ministries/Deptt, etc are requested to take expeditious action for releasing the properties requisitioned on or before 10 Mar 1970 on highest priority basis. Even of same the requisitioned properties are under litigation in Courts, the provisions of the Act will have to be brought to the notice of the Courts for decision/direction. It will be the responsibility of the each Ministry/Deptt/Union Territory which has requisitioned the properties to ensure that the same are either acquired if the conditions specified in the Act for acquisition are fulfilled, or released from requisition with in the period specified in the Act and in case there is any delay and violation of the provisions of the Act, the responsibility will vest on the Ministry/Deptt/Union Territory concerned.

3. In order to exercise control over Requisitioning of Properties and also for release of such properties within the period specified in the Act, the following procedures should be followed in future :-

1) In future, no Ministry/Deptt/Union Territory Administration should requisition properties under the provisions of the RAIP Act without the prior concurrence of the Ministry of Works & Housing. The request should be made in the enclosed perform (Annexure-I), approved by the Secretary of the Ministry/Deptt concerned, Comptroller & Auditor General of India or Chief Secretary of the Union Territory Administration, as the case may be .

2) As far as possible the Ministries/Deptt Should take the buildings on lease instead of resorting to requisitioning under the provision of the Act.

3) Every Ministry/Deptt/Union Territory should prescribed procedure for watching the progress of release of the properties requisitioned under the provisions of the Act so as to ensure that timely action is taken by Ministry/Deptt for either acquiring or releasing such requisitioned properties.

4) Ministries/Deptt. should send by 31st Jan every year an annual progress report in respect of previous year to the Ministry of Works & Housing, duly approved by the Secretary of the Ministry/Deptt. Concerned, indicating statistical details of the properties under requisition, programme for releasing such properties, and the date by which they propose to release such properties from requisition in the enclosed Performa (Annexure-II) NIL report is also to be sent.

4. Section 8 (2A) of the Act provides for revision of the recurring compensation, Expedient action may be taken to revise the recurring compensation, as provided in the Act.

5. It is requested that contents of this communication may also please be brought to all the attached and subordinate offices and other organizations under their control for direct compliance.

Sd/xxxxxx
(K.KIPGEN)

Joint Secretary to the Govt of India.