95. [1] As a rule Land Acquisition Officers should allow abatement of Government revenue and payment of capitalised revenue to proprietors will not ordinarily be necessary. It is not possible to foresee at the stage of making preliminary estimates, whether the case will fall under statutory rule 6 or not. No provision, therefore, need be made in preliminary estimates for payment of capitalised revenue to proprietors on the land to be acquired. If, however, in any such acquisition it is subsequently decided to pay the value of the revenue to the proprietor in lieu of abatement under statutory rule 6, the Land Acquisition Officer should be careful not to compute the value at 25 Years' purchases merely because that value is entered in the estimate, but should compute it in accordance with the principles laid down in statutory rule 6. In case of acquisition for Central Government the capitalised value of land revenue either to the proprietors under statutory rule 6 or to the State Government in lieu of abatement is not admissible.

In the case of acquisition for local bodies, Companies and for Commercial purpose of the Departments of the State Government, However, capitalised value or 25 years' purchase of the annual revenue abated is recoverable. If abatement of revenue is allowed in case of acquisition for local bodies, Companies and for commercial purpose of the Departments of the State Government the capitalised value of this abatement at 25 years' purchase should be included in the preliminary estimates.

CHAPTER VIII

Taking and delivery of possession : withdrawal from acquisition.

(Sections 16, 17 and 48 of the Act.)

96. Section 16 empowers the Collector to take possession of the land as soon as he has made an award. It must be distinctly understood that occupation of the land by any other officer or person without written authority from the Collector is illegal. For instance when land has been taken up for the use of the Public Works Department possession will be given by the Collector to the Executive Engineer or to some person duly authorized in writing by the Executive Engineer to receive it and to no other person.

97. Public convenience should be considered as far as possible in taking possession. Notice should be given to the persons interested so that they may have time to make arrangements for moving.

98. In accordance with section 16 land acquired under the Act vests absolutely in the Government free of all encumbrances : therefore no public right of way or other easement continues after possession has been taken. The law does not provide for acquisition subject to the continuance of such rights. If it is necessary for the convenience of the public that they should continue to use for any purpose land which it is proposed to acquire, the case should be specially referred to Government for orders before the land is acquired, with a view to arrangements being made where by the public may continue to use the land without any right being conceded or admitted : at the same time it should be reported whether the Government department, local authority or company on

1. Substituted by Rev. Deptt. notification No. 13388 dt. 16, 3, 74

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