



# PART-III

## **Conclusion and Recommendations**

# Chapter-20

## Conclusion

The denotifications discussed in the Report conclusively established that the well settled law that land cannot be denotified after taking possession had been bypassed, resulting in subversion of the acquisition process. The authority which directed these subversions subjugated public interest to private interest. Acquisition of property for a public purpose is a very serious issue as it culminates in the compulsory surrender of the land by its owner for a modest compensation in obedience of the law. In this context, reversal of the acquisition proceedings in favour of a few individuals in disregard of the law was discriminatory and had evidently been done on extraneous considerations. Most of cases of denotifications examined by Audit were found to be illegal and the Government needs to put an end to such acts.

Though the KLRT Act prohibits the registering authority from registering land notified for public purpose in favour of any person after issue of the final notification, the registering authority acted against law and registered land in many cases in favour of several persons after issue of the notification for acquisition. This showed that the controls prescribed for preventing illegal sale of the notified land were not functional and the administration of the Act was ineffective.

The LAOs on their part subverted the acquisition process by either not making award for the notified land or leaving out portions of the notified land while making payment of compensation. The effect of failure to pass the award within two years from the date of declaration was that the acquisition proceedings stood lapsed, restoring the notified land to its owners and defeating the public purpose.

The Commissioners of BDA subverted the acquisition proceedings and reconveyed the notified land to the erstwhile land owners by unauthorisedly collecting betterment tax from them for the land notified for public purpose.

The allotment of various categories of sites by BDA was not consistent with the extant rules, as 'G' category sites had been allotted to ineligible persons, allotment of alternative sites had witnessed several irregularities, CA sites had been allotted directly without notifying these to public and several unauthorised concessions had been extended to the allottees of CA sites. The

management of CA sites and parks by BDA was ineffective as many CA sites had been used for unauthorised purposes, the leases of many CA sites had not been renewed, a large number of available CA sites had not been notified to the general public and many CA sites and parks had been encroached upon.

## Chapter-21 Recommendations

- The acquisition proceedings in respect of land notified for public purpose should not be reversed after its possession has been taken. To guard against recurrence of illegal denotifications, the State Government should enforce the LA Act appropriately and impose exemplary punishment on those who act against the provisions in the LA Act.
- The administration of the KLRT Act needs to be effectively managed to guard against illegal sale of land notified for public purpose. Government should take appropriate action against such illegal registrations.
- Any attempt to subvert the acquisition process by unauthorisedly deleting the notified land from the purview of the award or unauthorisedly collecting betterment tax should be frustrated by imposing exemplary punishment on those who resort to such subversions.
- The allotment of different categories of sites should be done strictly in accordance with the extant rules. This should be ensured by introducing appropriate oversight mechanism at the Government level. The irregular allotments, wherever made, should be reversed.
- The asset management requires a thorough overhaul and appropriate controls should be put in place to safeguard the assets and ensure their proper utilisation.


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