

GUJARAT WATER AND GAS PIPELINES (ACQUISITION OF RIGHT OF USER IN LAND) ACT, 2000

REGISTERED NO. GIGNW2 Extra NO. S .O VOL. XLI] Gujarat Gnuernment EXTRAORDINARY
PUBLISHED BY AUTHORITY TUESDAY, MARCH 14, 2000, rpHALGUNA24, 1921 Separate paging
is given to part in order thai it may be filed as Separate Compilaüop. PART- •yv (ßa;ette 2. Acts of the
Gujarat Legislature and Ordinances promulgated and made by the Governor. The following Act of the
Gujarat Legislature, having been assented to by the Governor on the 14th March, 2000 is hereby published
for general information. 'KUM_ H. K. JI--L<VERI, Secretary to the Government of Gujarat, Legislative
and Parliamentary' ,AERs Department. GUJARAT ACT NO. SOF 2000. (First published, after having
received the assent of the Governor in the Gujarat Government Gazette, on the 14th March, 2000).
ANACT tb provi& fir the acquisition of ri#t• of user in land ftr laying water pipelines and gas pipelines in
the State of.gujarat and for the matters connected there With _ It is beaby enacted in the Fifty-first Year of
the Roublic of follows (1) , This Act may be called the Gujarat Water and Gas Short tide, extent and of
Right Of Uer in Land) Act, 2000. (2) It to the whole of the State of Gujarat. (3) _ It shall come into force
on such date as the State Governmnt may by in the %cial Gantte, a*nt. In this Act, unless the context
otherwise requires,— (a) "competent aufforiw" means any person or authority authorised by" the State
Government by notification • in üle Official Gazette, to perform the ümctions of the competZlt authority
under this Act ; Ex. 5-1 5-2 p obligation Of Hearing of Objections. Power to enter, survey, Declaration of
acquisition of right Of user. GUJARAT GOVERNMENT GAZETFE, EX., 14-3-2000 [PART IV (b) (c)
(d) "corporation" means any body corporate established under any Gujarat Act and includes — (i) a
Company formed and under the Companies Act, 1956; | (ii) a and registered under any law relating to
companies formerly in force in any part of India ; "gas" means a matter in gaseous state which
predominantly consists Of: "prescnbed" means by rufes made under this Act . (1) Whenever it appears to
the State Government that it is necessary in the public 3- interest that for die transport of water or, as the
case may be, gas from one area to another area, pipelines may be laid by the State Government, or, the
Corporation and that for the pumose oflaying such pipelines, it is necessary to acquire the right of user in
any land under which such pipelfires may be laid, it may, by notification in the Official Gazette, declare its
intention to acquire the right of user therein. (2) Every notification under sub-section (1) shall give a brief
description of the land. (3) The competent authority shall cause the substance ofthe notification to be
published at such places and in such manner as may be prescribed. 4. (1) Any person interested in the land
may, within thirty days fir m the date of the publication of notification under sub-section (1) of section 3,
object to the laying of the-pipelines under the land. (2) Every objection shall be made to the competent
authority in writing Rnd shall set out the grounds thereof and the competent authority shall give the
objector an opportunity of being heard either in person or by a legal practitioner and may, aner hearing all
such objections after making such further inqui% if any, as that aUth0rity thinks necessary, by order either
allow or disallow the objections. (3) Any order made by the competent authority- under sub-section (2)
shall be S. On the issue ofa notification under sub-section (1) ofsection 3, it shall be Lawful (or any person
authorised by the State Government or , as the case may be, the Corporation which proposes to lay
pipelines for transporting water or, as the case may be, gas and its servants and workmen— (a) (b) (d) (f)
to enter upon and survey and take levels of apy land specified in the notification; to dig or bore into the
sub-soil; to set out the intended line of work; to mark such levels, boundaries and line by placing marks
and cutting where otherwise Ärrvey cannot be completed and levels taken and the boundaries and line
marked, to cut down and clear away any part of any standing crop,- fence or jungle; and to do all other acts
necessary to ascertain whether pibelines can be laid under the land: provided that while exercising•any
power under this section, such person or any servant or workman of such person shall cause a little damage
or injury as possible to such land. 6. (1) Where no objection under Sub-section (1) of section 4 has been
made to the competent authority within the period spedified therein or where the competent authority has
disallowed the objections under sub-section (2) ofthat section, that auth6rity shall, as soon as may be,
submit a report accordingly to the State Government and upon PART GUJARAT GOVERNMENT
GAZEITE, EX_, 14-3-2000 receipt of such report, the State Government shall declare, by notification in
the Official Gazette, that the right ofuser in the land for laying the pipelines shall be acquired. (2) On the

publication of the declaration under sub-section (1), the right of user in the land shall vest absolutely in the State Government free from all encumbrances. (3) In respect of any land, if a notification has been issued under sub-section (1) of section 3, but no declaration under this section has been published within a period of one year from the date of that notification, that notification shall cease to have effect on the expiration of the said period. (4) Notwithstanding anything contained in sub-section (2), the State Government may, on such terms and conditions as it may think fit, to impose, direct by order in writing that the right of user in the land for laying the pipelines shall, instead of vesting in State Government, vest, either on the date of publication of the declaration or, on such other date as may be specified in the order, in the Corporation proposing to lay the pipelines and thereupon the right of such user in the land shall, subject to the terms and conditions so imposed, vest in that Corporation free from all encumbrances. (1) Where the right of user in any land has in the State Government or, as the case may be, the Corporation under section it shall be lawful for any person authorised by the State Government or, as the case may be, the Corporation, and its servants and workmen to enter upon the land and lay pipelines or to do any other thing necessary for the laying of pipelines: Provided that no pipeline shall be laid under — 5-3 Laying of (a) (b) (c) (d) any land which, immediately before the date of the publication of notification under sub-section (1) of section 3, was used for residential purposes; or any land on which there stands any permanent structure which in existence immediately before the said date; or any land which is appurtenant to a dwelling house; or any land at a depth which is less than one metre from the surface; and (2) such shall be used only for laying the pipelines and for maintaining, examining, repairing, altering or removing any such pipelines or for doing any other thing necessary for any of the aforesaid purposes or for the utilisation of such pipelines. If any dispute arises with regard to any matter referred to in paragraph (b) or (c) of the proviso to clause (i) of Sub-section (1), the dispute shall be referred to the competent authority whose decision thereon shall be final.

8. For maintaining, examining, repairing, altering or removing any pipeline, or for doing any other thing necessary for the utilisation of the pipelines or for the making of any inspection or measurement for any of the aforesaid purposes, any person authorised in this behalf by the State Government or, as the case may be, the Corporation may, after giving reasonable notice to the occupier of the land under which the pipeline has been laid, enter therein with such workmen and assistants as may be necessary. That where such person is satisfied that an emergency exists, no such notice shall be necessary: Provided further that, while exercising any powers under this section, such person or any workmen or assistants of such person shall cause as little damage or injury as possible to such land. (1) The owner or occupier of the land with respect to which a declaration has been made under sub-section (1) of section 6, shall be entitled to use the land for the purpose for which such land was put to use immediately before the date of the notification under sub-section (1) of section 3: **Power to enter land for inspection, Restrictions regarding the use of land.** GUJARAT GOVERNMENT GAZETTE, EX., 14-3-2000 provided such owner or not the sub-section (1) of section 6— (i) construct any building or any other structure; (ii) or excavate any tank, well, or dam: or (iii) plant any thing on that land. (Q) The owner of the land in which any pipeline has been laid shall not do any thing or permit any thing to be done which will or is likely to cause any damage in any manner whatsoever, to the pipeline. (3) Where owner or occupier of land referred to which a declaration has been made under sub-section (1) of section 6,— (a) constructs any building or any or (b) constructs or excavates any well, tank, reservoir or dam, or (c) plants any tree, on that land, the Collector within the local limits of jurisdiction of such land may, on an application made to it by the competent authority and after holding such inquiry, as it may deem fit, cause the building, structure, reservoir, dam or tree to be removed or the well or tank to be filled up, and the costs of such removal or filling up shall be recoverable from such owner or occupier. Compensation. 10. (1) Where in the exercise of the powers conferred by 5, 7 or 8 by any person, any damage, loss or injury is sustained by any person interested in the land under which the line is proposed to be laid, or is being, or has been laid, the State Government or, as the case may be, the Corporation shall pay compensation to such person for such damage, loss or injury, the amount of which shall be determined by the competent authority in the first instance. (2) If the amount of compensation, determined by the competent authority under sub-section (1) is not acceptable to either of the parties, the amount of compensation shall, on application by either of the parties to the Collector within the limits of whose jurisdiction the land or any part thereof is situated, be determined by that Collector. (3) The competent authority or, as the case may be, the Collector while determining the compensation under sub-section (1) or the case may be, sub-section (2), shall have due regard to the damage or sustained by

any person interested in the land by reason of— (i) the removal of trees or standing crops, if any, on the land while exercising the power under section 5, 7 or, as the case may be, section 8; (ii) the temporary severance of the land under which the pipeline has been laid from other lands belonging to, or in the possession of, such person; or (iii) any injury to any other property whether movable or immovable, or the earnings of such property caused in any other manner: Provided that in determining the compensation no account shall be taken of any structure or other improvement made in the land after the date of the publication of the notification under sub-section (1) of section 3. (4) If the owner of any land has in the State Government or, as the case may be, the Corporation, in addition to the compensation, if any, payable under sub-section (1), be liable to pay to the owner and to any other person whose right of enjoyment in that land has been affected in any manner whatsoever by the laying of such pipeline, compensation at the percentage of the market value of that land at the date of the publication of the notification under sub-section (1) of section 3. (5) The market value of land on the said date shall be determined by the competent authority and if the value so determined by that authority is not acceptable to either of the parties, it shall, on application by either of the parties to the Collector referred to in sub-section (2), be determined by that Collector. PART 15. 1908. GUJARAT GOVERNMENT GAZETTE EX., 14-3-2000 (6) The decision of the Collector under sub-section (2) or (5) shall be final. 11. (1) Amount of compensation determined under section 10 shall be deposited by the State Government or, as the case may be, the Corporation, the competent authority within such time and in such manner as may be prescribed. (2) If the amount of compensation is not deposited within the time under sub-section (1), the State Government or, as the case may be, the Corporation shall be liable to interest thereon at the rate of nine per cent. if the amount of compensation is deposited within one year after period prescribed under sub-section (1) and at the rate of fifteen per cent. if the amount of compensation is deposited after the expiry of the said one year. (3) As soon as may be after the compensation has been deposited under sub-section (1) the competent authority shall, on behalf of the State Government or, as the case may be, the Corporation pay the compensation to the persons entitled thereto. (4) Where several persons claim to be interested in the amount of compensation deposited under (1), the competent authority shall determine the persons who in its opinion are entitled to receive the compensation and the amount payable to each of them. (5) Any dispute arises as to the apportionment of the or any part thereof or as to the persons to whom the same or any part thereof is payable, the competent authority shall refer the dispute to the Collector within the limits of whose jurisdiction the land of any part thereof is situated and the decision of the Collector thereon shall be final. 12. The Collector and the competent authority shall have; for the purposes of this Act, all the powers of a civil court while trying a suit under the Code of Civil Procedure, 1908 in respect of the following matters, namely:— (a) summoning and enforcing the attendance of any person and examining him on oath; (b) requiring discovery and production of any document; (c) reception of evidence on affidavits; (d) requisitioning any public record from any court or office; (e) issuing commission for examination of witnesses. 13. (1) No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done in pursuance of this Act or any rules or notification made or issued thereunder. (2) No suit or other legal proceeding shall lie against the State Government, Corporation or, as the case may be, the competent authority for any damage, loss or injury caused or likely to be caused by anything which is in good faith done or intended to be done in pursuance of this Act or any rules or notification made or issued thereunder.

14. NO Civil court shall have jurisdiction in respect of any matter which the Collector or, as the case may be, the competent authority is empowered by or under this Act to determine and no injunction shall be granted by any court or other authority in respect of any action taken or proposed to be taken in pursuance of any power conferred by or under this Act.

15. (1) Whoever wilfully obstructs any person in doing any of the acts authorised under section 5, 7 or as the case may be, section 8 or wilfully fills up, destroys, damages or displaces any trench or mark made under section 5 or wilfully does anything prohibited under the proviso to sub-section (1) of 9, shall be punishable with imprisonment which may extend to months or fine or both. (2) Whoever wilfully removes, displaces, damages or destroys any pipeline laid under section 7, shall be punishable with rigorous imprisonment for a term which shall not be less than one year, but which may extend to three years and shall also be liable to fine. 5-5 Deposit and payment Protection of action taken in good faith by Collector and competent authority to have certain powers of civil court. Bar of 5-6 2011 1974. GUJARAT GOVERNMENT GAZETTE, EX., 14-3-2000 [PART IV 16. Notwithstanding anything contained in the Code of Criminal Procedure, 1973, an

offence falling under sub-section (2) of section 15 shall be deemed to be cognizable within the meaning of that Code. 17. (i) The State Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act. (2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:- (a) the places at which and the manner in which notice of the notification may be published under sub-section (3) of section 3; (b) the time within which and the manner in which the amount of compensation shall be deposited under sub-section of section 11. (3) All rules made under this section shall be laid for not less than thirty days before the State Legislature as soon as possible after they are made and shall be subject to rescission by the State Legislature or to such modifications as the State Legislature may make during the session in which they are so laid or the session immediately following. (4) Any rescission or modification so made by the State Legislature shall be published in the Official Gazette, and shall thereupon take effect

18. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force relating to the acquisition of land. GOVERNMENT CENTRAL PRESS, GANDHINAGAR. Certain offence to be Power to make rules. Application of other laws not

