

**THE NAGALAND TOWN AND COUNTRY
PLANNING (1ST AMENDMENT) ACT, 1974
(NAGALAND ACT NO. 2 OF 1975)**

*(Received the assent of the President on the 11th June, 1975 and published in the
Nagaland Gazette Extraordinary dated 26-6-1975)*

An

Act

to amend the Nagaland Town & Country Planning Act 1966.
It is hereby enacted in the twenty fifth year of the Republic of
India, as follows —

1. Short title, extent and commencement.

- (1) This Act may be called the Nagaland Town & Country Planning (Amendment) Act, 1974.
- (2) It extends to the whole of Nagaland.
- (3) It shall come into force at once.

2. Definition.

In Section 2 of the Nagaland Town & Country Planning Act 1966, hereinafter mentioned as “Principal Act.”

(a) The following shall be inserted after Sub-section (8) and shall be numbered as (8A).

“(8A) “Government” means Nagaland State Government.”

(b) The following shall be inserted after Sub-section (15) and shall be numbered as (15A).

“(15A) “Section” and “Clause” unless otherwise stated mean the Section or Clause of the Nagaland Town and Country Planning Act 1966.”

3. Amendment of Section 3.

In Clause (vii) of Sub-section (i) of Section 3 of the Principal Act the words “elected by the Assembly” shall be substituted by the words “nominated by the Speaker of the Nagaland Legislative Assembly from amongst its members.”

4. Insertion of new Section 13 (A) in the Nagaland Act 4 of 1966.

After Section 13 of the Principal Act the following shall be inserted as Section 13 A namely

“13 A. *Restriction on use of land prior to sanction*

The State Government by notification may impose the restriction under Section 13 from the date of publication of intention of Master Plan of any Town or Area.

- (2) Such publication of intention as referred to in Subsection (1) shall give detailed description of the boundary of the area concerned.

Explanation Such area as defined in Sub-section (2) may not exactly correspond to the Master Plan area and may exceed the area actually considered for Master Plan to an extent as recommended by the Director and accepted by the Government.”

5. Insertion of new Section 21A in the Nagaland Act 4 of 1966.

After Section 21 of the Principal Act the following shall be inserted as Section 21A, namely : —21A.

Permission to be taken for construction, after notification of intention of Preparation of Master Plan Development Scheme : —After publication of notification of intention of preparing a draft scheme under Section 15, no person shall erect or proceed with

any building or work on, or enter into or carry out a contract in

respect of land within the area included in the scheme unless he has applied for and obtained written permission in cases where a scheme has not been sanctioned from the Authority:

Provided that if within 60 days from the date of receipt of the application, the Authority does not communicate anything to the applicant, permission may be assumed to have been granted.”

- 6. Insertion of new Section 32A in the Nagaland Act 4 of 1966.** After Section 32 of the Principal Act, the following shall be inserted as Section 32A namely : —
“32A Land Acquisition for purposes of this to be for public Purposes: — Land needed for purpose of a Town Planning I of Scheme or Master Plan shall be deemed to be land needed or a public purpose within the meaning of Section 3 Sub-section f) Clauses (1) & (2) of the Land Acquisition Act 1894.”

7. Amendment of Section 23 of Act 1 of 1894.

The following shall be inserted as Section 32B : —32B. Amendment of Section 23 of the Land Acquisition Act, 1894
Purposes of I of 1894 Land Acquisition under this Act.

When any land is compulsorily acquired for the purposes of the master Plan or a scheme under this Act, Section 23 of the Land Acquisition Act 1894 shall be substituted as hereinafter given namely

23. Matters to be considered in determining Compensation

In determining the amount of compensation to be acquired for the land or any interest therein acquired under this Act, the Arbitrating Authority shall take into consideration of the following:

- (a) The market value of the land in question as laid down in Section 33, Sub-section (2) of the Nagaland Town and Country Planning Act 1966.
- (b) The use to which the land was put on the date of publication of the notification under Section 32 of the Nagaland Town and Country Planning Act 1966.
- (c) The damage sustained by the person interested by reason of the taking of any standing crops or trees which may be on the land at the time when the possession was taken from him.
- (d) The damage, if any, sustained by the person interested at the time of the possession being taken from him by reason of severing such land from his other land.
- (e) The damage, if any, sustained by the person interested at the time of the possession being taken from him of the land by reason of the acquisition injuriously affecting his other property movable or immovable in any other manner or his earnings.
- (f) If, in consequence of the acquisition of land, the person interested is compelled to change his residence or place of business, the reasonable expenses, if any, incidental to such change.

Explanation : The market value shall be as indicated in Section 33, Sub-section (2) of the Nagaland Town and Country Planning Act 1966.

- (i) The market value, in the absence of any land Revenue Records that effect shall be assessed by a Revenue Official of the rank of the Sub-divisional Officer or the Additional Deputy Commissioner, who for the purposes of this Act shall be called the Assessing Authority for land acquisition.
- (ii) The Assessing Authority shall assess value of the land to be acquired and shall communicate his decision in writing to the owner.
- (iii) If the owner is not satisfied with the assessment, he may file an appeal within thirty

days after receiving the communication to the Deputy Commissioner who for the purpose of this Act shall be called the Arbitrating Authority. The decision of the Arbitrating Authority in this regard shall be final and binding on both parties.

- (iv) Every Assessing Authority for Land Acquisition shall maintain a Register showing all land assessments done to-date. Such a Register shall furnish information of each plot of land regarding location, boundaries, dimensions, area, accessibility, use at the time of assessment and any other relevant factor.