



The Mizoram (Prevention of Public Land Encroachment) Act, 2026

Act No. 4 of 2026

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NOTIFICATION

No. H.12018/285/2026-LJD, Aizawl, the 3rd March, 2026: The following Act is hereby published for general information.

“THE MIZORAM (PREVENTION OF PUBLIC LAND ENCROACHMENT) ACT, 2026.”
(ACT No. 4 OF 2026)

(Received the assent of the Governor of Mizoram on 25.02.2026)

AN
ACT

to provide for the prevention of encroachment of Government land, public land and other matters connected therewith.

It is enacted by the Mizoram Legislative Assembly in the Seventy-sixth year of the Republic of India as follows:-

1. Short title, extent, and commencement.-

- (1) This Act may be called the Mizoram (Prevention of Public land Encroachment) Act, 2026.
- (2) It shall extend to the whole of Mizoram excepting the areas of the Autonomous District Councils under the Sixth Schedule to the Constitution of India.
- (3) It shall come into force from the date of publication in the Official Gazette.

2. Definition.-

In this Act, unless the context otherwise requires -

- (a) “Assistant Commissioner (Revenue)” means the Revenue Officer in charge of revenue administration in a District Headquarters or within a District or in a sub-division and includes the Sub Deputy Commissioner (Revenue);
- (b) “community land” means any land or area of land recognised by the locality or its surrounding people as a ‘community land’ which includes, but is not limited to, village safety reserve, village

supply reserve, grazing areas, water bodies, playgrounds, graveyards and other such common-use-land or area;

- (c) "*Deputy Commissioner*" means the Deputy Commissioner of a District and includes an Additional Deputy Commissioner to assist the Deputy Commissioner in the matter of revenue administration;
- (d) "*encroachment*" means unauthorised occupation;
- (e) "*Government*" means the State Government of Mizoram;
- (f) "*government land*" in so far as it relates to the provisions of this Act shall mean any land owned, occupied or possessed by the State Government;
- (g) "*land*" means broadly any ground, soil or earth, whether covered or not, and which is or may be utilized for agricultural or non-agricultural purposes or purposes subservient thereto and includes benefits to arise out of such land, and things attached to the earth or permanently fastened to anything attached to the earth;
- (h) "*prescribed*" means prescribed by the State Government by rules made under this Act;
- (i) "*public land*" means any land or area of land recognized by the locality or its surrounding people not as a land belonging to any private individual or person or institution, and shall include Government land, public space and community land;
- (j) "*public space*" means any space reserved and recognized by the public for the purpose of gathering and other purposes.

3. Prohibition of encroachment of public land.-

No person shall encroach or occupy any public land, for whatsoever reason or purpose, without prior and express permission of the Government.

4. Authorized officer for prevention of encroachment of public land.-

The responsibility of prevention of public land encroachment and removal of encroachment shall be vested with the Deputy Commissioner or subject to his control, Assistant Commissioner (Revenue), within his jurisdiction.

5. Penalty for unauthorised occupation of public land.-

Any person who has wilfully encroached upon any public land in violation of the provision or provisions of this Act and the rules made there under shall be liable to eviction after being given an opportunity of being heard. Such an offender shall also pay penal rent for the period of such encroachment, and the crops or other agricultural or forests produce, building or any other construction on such land shall be liable to be forfeited:

Provided that, no such order shall be made against any person until issue of a notice in writing to the person calling upon him to show cause within fifteen days from the date of issue of such notice;

Provided further that, eviction should be carried out by the Deputy Commissioner or subject to his control, the Assistant Commissioner (Revenue), within the District only after obtaining approval of the Government.

6. Assessment of penal rent.-

- (1) The Deputy Commissioner or subject to his control, the Assistant Commissioner (Revenue), within his jurisdiction shall make assessment of penal rent to be paid by such person in section 5 for the whole period of such encroachment.

- (2) The Deputy Commissioner or subject to his control, the Assistant Commissioner (Revenue), within his jurisdiction, may impose such penalty as provided under section 12 of this Act, for the unauthorised occupation of public land in addition to the penal rent assessed under sub-section (1).
- (3) Subject to conditions as may be prescribed, the Deputy Commissioner or subject to his control, the Assistant Commissioner (Revenue), within his jurisdiction, may, in suitable cases, either reduce or remit the amount payable in the form of penal rent, for reason to be recorded in writing.

7. Assessment of rent and penalty. -

The decision as to the rate or amount of penal rent under section 6 shall be recorded in writing and shall be final and binding.

8. Summary eviction and forfeiture.-

- (1) The Deputy Commissioner or subject to his control, the Assistant Commissioner (Revenue), within his jurisdiction, may summarily evict a person in unauthorised occupation or encroachment of any land which is the public land and, on such eviction, any crop or other product raised in such land, any unauthorised construction such as building or any other structure or anything stacked or deposited thereon shall be liable to forfeiture.
- (2) An eviction under this section shall be made only after serving a notice upon the person reported to be in unauthorised occupation or his agent requiring him to vacate the land within such time as may be prescribed in the notice.
- (3) Forfeiture under this section shall be adjudged by the Deputy Commissioner or subject to his control, the Assistant Commissioner (Revenue) and any property so forfeited shall be disposed of in accordance with section 13 of this Act.
- (4) If such encroachment is not removed or if the person refuses to vacate the encroached land within the prescribed period, he shall be removed or evicted from the encroached land as may be deemed necessary and reasonable and necessary force may be used for such eviction.

9. Stay of construction.-

- (1) The Deputy Commissioner or subject to his control, the Assistant Commissioner (Revenue), within his jurisdiction, may, if he has reasons to believe that any person who is in unauthorized occupation of public land, is constructing or is about to construct any building or other structure thereon, by order, prohibit such person from proceeding with the construction of, as the case may be, from constructing such building or structure.
- (2) An order for stay of such construction may be issued by the Deputy Commissioner or subject to his control, the Assistant Commissioner (Revenue), within his jurisdiction, if such person fails to comply with the order, and such penalty may be imposed as prescribed in section 5 and 6.

10. Power to remove unauthorized constructions.-

- (1) Where any building, immovable structure, or fixture has been erected, placed, or raised on public land by any unauthorized person(s), the Deputy Commissioner, or the Assistant Commissioner (Revenue) under his control within his jurisdiction, shall serve a notice to such person(s) requiring them either to remove the said structure or to show cause as to why such removal should not be carried out within a time frame specified in the notice.

- (2) If the reason provided is not found satisfactory, the Deputy Commissioner or subject to his control, the Assistant Commissioner (Revenue), within his jurisdiction, as the case may be, may, with prior approval of the Government, pass an order for removal of such unauthorized building, structure, or fixture from the public land. The cost incurred for such removal shall be borne by the unauthorized person or defaulter:

Provided that, if, in the opinion of the Deputy Commissioner, or subject to his control, the Assistant Commissioner (Revenue), within his jurisdiction, such demolition of building or other structures is not in public interest and retention of such buildings or structures is in public interest, he may make valuation of the building which may be paid by the concerned public authority. In such cases, prior approval of Government shall be obtained.

11. Notice.-

Before taking proceedings under section 5, 6, 8, 9 or 10, the Deputy Commissioner or subject to his control, the Assistant Commissioner (Revenue), within his jurisdiction, shall cause to be served on the person reported to be in unauthorised occupation of the public land, a notice specifying the land so occupied and calling upon him to show cause on a certain date as to why he should not be proceeded against under section 5, 6, 8, 9 or 10.

12. Penalty. -

- (1) Any person, or group of persons, who was found in illegal occupation or encroachment of public land shall be liable to a fine not exceeding ten thousand rupees, which is to be paid within the period prescribed in the order. In case such unauthorized occupation is continued beyond the date prescribed for removal of encroachment, a further fine which may extend to five thousand rupees for each day during which such unauthorized occupation continues may be imposed.
- (2) Notwithstanding anything contained in this Act, the Deputy Commissioner, or subject to his control, the Assistant Commissioner (Revenue), within his jurisdiction, may compound the fine imposed under sub-section (1) and reasons for such compounding shall be recorded in writing.

13. Attachment or forfeiture of properties.-

- (1) Where it is found that the illegal occupant of public land fails to comply with sub-section (1) and (2) of section 12 of this Act, the Deputy Commissioner or subject to his control, the Assistant Commissioner (Revenue), within his jurisdiction, may issue a notice upon such person calling upon him to show cause within a period of fifteen days, as to why an order of attachment shall not be made.
- (2) The Deputy Commissioner or subject to his control, the Assistant Commissioner (Revenue), within his jurisdiction, after considering the explanation, if any, to the show cause notice issued under sub-section (1), and upon evaluating the material facts available, may pass an order of attachment or sale, in respect of properties standing on or within the limits of the public land or any other immovable property of the encroacher:

Provided that, if such illegal occupant does not submit reply to the notice served under sub-section (1) within the stipulated time, the Deputy Commissioner or subject to his control, the Assistant Commissioner (Revenue), within his jurisdiction, may proceed to pass the order ex-parte.

- (3) Where the Deputy Commissioner or under his control, the Assistant Commissioner (Revenue), within his jurisdiction, after due inquiry, is satisfied that any structure, obstruction, or property situated on public land is a result of illegal occupation, encroachment, or unauthorised use, and that such occupation has caused loss to any person, institution, or the Government, he may direct that the proceeds accrued from the illegal occupant be distributed to the person affected by such illegal occupation.

However, after the expiry of sixty days, if there are no claimants to receive such proceeds or no claimant is ascertainable or there is any surplus after satisfying the claimants, such proceeds accrued from illegal occupant of public land shall stand forfeited to the State Government.

14. Encroachment likely to cause public nuisance and breach of peace.-

Notwithstanding anything contained under section 5 or section 6 or section 8 or section 9 or section 10, in all cases of encroachment of public land, which are likely to cause public nuisance or breach of peace, the Deputy Commissioner or subject to his control, the Assistant Commissioner (Revenue), within his jurisdiction, as the case may be, may proceed under the relevant provisions of the Bharatiya Nagarik Suraksha Sanhita Act, 2023, by invoking inherent powers of the District Magistrate or Executive Magistrate under the Act.

15. Jurisdiction of civil courts barred.-

No suit or proceeding shall, unless otherwise expressly provide for in this Act or in any other law for the time being in force, be brought in any Civil Court with respect to any matter arising under and provided for by this Act.

16. Powers of Revenue Court.-

The Deputy Commissioner or subject to his control, the Assistant Commissioner (Revenue), as the case may be, for the purpose of proceeding under this Act, shall have the powers in respect of the following -

- a) summoning and enforcing the attendance of any person and examining him on oath;
- b) requiring the discovery and production of documents;
- c) any other matter which may be prescribed.

17. Deemed unauthorized occupation of land on lease.-

Where a lease of land which is the property of Government expires or is terminated by the Deputy Commissioner or subject to his control, the Assistant Commissioner (Revenue), within his jurisdiction, on approval of the Government, the lessee or any other person remaining in possession of the land after such expiry or termination, the lessee or any other person remaining in possession of the land after passing of such orders, shall be deemed to be unauthorizedly occupying such public land:

Provided that, before proceeding with this section, the lessee shall be given an opportunity of being heard and opportunity to renew such land lease under such conditions as prescribed by the Government.

18. Protection of action taken in good faith.-

No suit, prosecution or other legal proceeding shall lie against any person for anything done or any action taken in good faith in pursuance of this Act.

19. Power to make rules.-

- (1) The State Government may, by notification in the Official Gazette, may make rules of procedure for the purpose of carrying out the provisions of this Act.
- (2) All Rules made under sub-section (1) of this section shall, as soon as may be after they are made, be laid before the State Legislature for a total period of fourteen days which may be comprised in one or more successive sessions and if during the said period the State Legislature makes modification, if any, therein, the rules shall thereafter have effect only in such modified form; so however, that such modifications shall be without prejudice to the validity of anything previously done under the rules.

20. Power to remove difficulties.-

- (1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may by order in the official Gazette, make such provision not inconsistent with the provisions of this Act as appear to it to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made after the expiry of two years from the commencement of this Act.

- (2) Every order made under this section shall be laid, as soon as may be after it is made, before Legislative Assembly of the State.

21. Repeal and savings.-

On and from the commencement of this Act, The Mizoram (Prevention of Government Land Encroachment) Act, 2001 and its (Amendment) Act, 2012 thereof, as in force in the State, shall stand repealed:

Provided that, any proceedings initiated, actions taken, or orders passed under the repealed enactments prior to the commencement of this Act, shall be deemed to have been validly made and shall continue to be in force as if this Act had not been enacted.

Secretary
Law & Judicial Department,
Government of Mizoram.