

CHHATTISGARH LAND REVENUE CODE, 1959 ACT 20 OF 1959

MADHYA PRADESH ACT No. 20 of 1959 THE MADHYA PRADESH LAND REVENUE CODE,
TABLE OF CONTENTS CHAPTER 1. Preliminary Short title, extent and commencement. Definitions

CHAPTER 11. Board of Revenue 1959 2. 3. 4. 6. 7. 8. 9. 10. 11. 12. 13. 15. 16. 17. 18. 19. 20. 21. 22

23. Constitution of Board of Principal seat and other Conditions of service of Salaries and allowances. Jurisdiction of Board. Revenue. places of sittings of Board of Revenue. members of Board. Powers of superintendence of Board. Exercise of jurisdiction by single members and benches. Cases pending at commencement of Code

CHAPTER 111. Revenue Officers, their Classes and Powers Revenue Officers. Control over Revenue Officers. Power to alter, create or abolish divisions, districts, sub-divisions and tahsils. Power to appoint Power to appoint Power to appoint Appointment and Collectors. Commissioners of divisions. Additional Commissioner. Collector. Additional Collectors. powers of Assistant Collectors and Deputy Appointment of Tahsildars, Additional Tahsildars and Naib Tahsildars. Appointment of Superintendents of Land Records and Assistant Superintendents Of Land Records. Other Officers. Sub-Divisional Subordination of Revenue Officers. 22k Page 232 232 236 236 236 236 237 237 237 237 237 238 238 238 239 239 239 239 239 222 THE MADHYA PRADESH LAND REVENUE CODE, 1959 Sections : 24. 25. 26. 27. 28. 29. 32. 33. 34. 35. 36. 38. 39. 40. 41. 42 43 . 44. 45. 46. 48. 49 . Conferral by State Government Powers Of Revenue Officers on Official and other persons. Powers exercisable on transfer. Collector in case of temporary vacancy. CHAPTER IV. Procedure Of Revenue Officers and Revenue Courts Place for holding enquiries. Power to enter upon and survey land. Power to transfer cases. Power to refer cases to a Civil Court subordinate to District Courts and Revenue Officers. Inherent power of Revenue: Powers of Revenue Officers to require attendance of persons and production of documents and to receive evidence. Compelling attendance of witness. Hearing in absence of party. Adjournment of hearing. to costs, deliver possession of immovable property, executing order property. Persons by applications and applications may be made before and to Revenue Officers. Effect of rules in Schedule I, Power of Board make rules. Orders of Revenue Officer when reversible by reason of error or irregularity. Code of Civil Procedure to apply when no express provision made in this Code CHAPTER V. Appeal, Revision and Review and appellate authority; transfer of certain pending proceedings Settlement Commissioner. No appeal against certain orders. Limitation of appeals. Copy of order objected to accompany Power of appellate authority. petition. 239 239 239 239 240 240 240 240 240 241 241 241 241 242 242 242 243 243 243 244 244 245 245 THE MADHYA PRADESH LAND REVENUE CODE, 1959 223 Sections : 50. 51. 52 . 54. 55. 56. 57. 58. 58. 59. 60. 61. 62 . 63. 64. 65. 66 . 67. 68. 69. 70. 71. 72. 73

74. Revision. Review of orders, Stay of execution of orders. Application of Limitation Act. Pending revisions. Application Of Chapter. Construction of order

CHAPTER VI. Land and Land Revenue State ownership in lands. Liability of land to payment of land revenue. A. Certain land to be exempted from payment of land revenue. Variation of land revenue according to purpose for which 59. —A. Assessment when to take effect. 59. —B. Reassessment on diversion of land prior to coming into Code. Assessment by whom to be fixed

CHAPTER VII. Land is used. for Revenue Survey and Settlement In Non-urban Areas - Application of Chapters and Officers Application Of this Chapter to lands in 'non-urban areas. Appointment Settlement Commissioner. Appointment of Additional Settlement Commissioner and their powers and duties. Appointment of Settlement, Deputy Settlement and Assistant Settlement Officers, Powers of Settlement. Deputy Settlement and Assistant Settlement Officers. B— Revenue Survey Definitions of revenue survey. Notification of proposed revenue survey. Formation survey numbers and villages. Separate demarcation of land diverted or specially assigned. Power to renumber or Sub-divide survey numbers. Entry of survey numbers and sub-division in records. Determination of a boundary of village. Power of Settlement Officer to divide or unite villages or therefrom. Grouping of villages. exclude area 245 246 247 247 247 247 247 248 248 249 250 250 250 250 250 250 251 251 251 251 252 252 252 252 224 THE MADHYA PRADESH LAND REVENUE CODE. Sections . 1959 75. 76. 77. 78. 79. 80 . 81. 82 . 83. 84 . 85. 86. 87.

88. 89. 90. 91. C—Settlement Q/ rent Definition of Settlement. Notification of proposed settlement. Fixation of assessment rates. Maximum and minimum limits (Or the rate Of Fixation fair assessment. All lands liable to assessment. Principles of assessment. Announcement of Settlement. Introduction of Settlement. Remission of enhancement to Bhumiswami Termini of settlement. Power of Collector to complete unfinished D— General assessment. who relinquishes. proceedings. Inquiry into profits of agriculture and value of land 252 252 253 253 253 253 253 253 254 254 254 Power to transfer duty of maintaining maps and records to Settlement. Officer. Power of Sub-Divisional Officer to correct errors. Power of Collector during term of Settlement etc. Power to grant power of Settlement Officer during term of Settlement. 91 —A. Power to make rules. 254 254 255 255 255 255 255 92. 93. 94. 95. 96. 97. 98 . 99 . 100. 101 . 102

103

CHAPTER VIII. Assessment and Re-Assessment of Land in Urban areas Provisions of Chapter to apply to land in urban areas. Powers of Collector to divide lands into plot numbers. Powers of Collector to renumber or sub-divide plot numbers. Area and assessment of plot numbers and sub-divisions to be entered 255 in records. Area in town formed into blocks for assessment. Collector to fix standard rate of assessment and publication Of standard rates. Fixation of standard rates of assessment. Maximum and minimum limits for the rate Collector to assess plot at rate prescribed. of assessment. Term of settlement. Assessment fixed shall be Land revenue or rent fixed continue land revenue or rent. under previous settlement or leases to 256 256 256 256 256 257 257 257 THE MADHYA PRADESH LAND REVENUE CODE, CHAPTER IX Land Records Sections : 1959 '22.5 104 - 105 . 106. 107 .] 08

109. Lil. 112. 113. 114. 115. 116. 117. 118. 119. 120. 122. 123. 124. 125. 126. 127. 128. } 29. Formation of patwaris* circles and appointment of patwaris thereto. Formation of revenue inspectors circles. Appointment of revenue inspectors, etc. Field map. Record of rights. Acquisition of rights to be reported. Mutation of acquisition of right in Field Book and other relevant records. Jurisdiction of Civil Courts. Intimation of transfers by Registering Officers. Correction of clerical errors. Land records. Bhoo Adhikar Avam Rin Pustika. 257 257 257 257 258 259 259 259 259 259 Correction of wrong entry in Khasra and any other land records by 260 superior officers. Disputes regarding entry khasra or in any other land record'. 260 Presumption as to entries in land records. Obligation to furnish information as to title. Penalty for neglect to furnish information. 260 260 Requisition of assistance in preparation of maps and record of rights. 260 Power to make rules for land records. Exemption from provisions of this chapter. Record-of-rights at commencement of Code

CHAPTER X Boundaries and Boundary Marks, Survey Marks 260 Construction of boundary marks of villages and survey numbers or 261 plot numbers. Disputes regarding "boundaries between villages, survey numbers and plot numbers. Ejectment of persons wrongfully in possession. Demarcation Enforcement Demarcation number. and maintenance of boundary lines. repair of boundary or survey marks. of boundaries of survey number or sub-division or plot 262 262 262 226 -EHE- MADHYA PRADESH LAND REVENUE CODE. 1959 131. 132. 134. (35. [36. 137. 13B. 139. 140. 141. 142. 143. 144. 145. 146. 147. 148. 150. 151. 152. 153. *54. Penalty for default of payment Remission or suspension of land Certified account to be evidence Notice of demand. Process for recovery of arrear. Page Penalty for destruction, injury or removal of boundary or survey marks. Rights of way • and other private easements. 262 Penalty for obstruction of way, etc. 263 Removal of obstruction. 263 Execution of bond for abstaining from repetition of certain acts. 263 Acquisition of land for road, paths, etc. 263 Power to exempt from operation of this Chapter. 263 CHAPTER XI Realisation of Land Revenue Land revenue first charge on land. 263 Responsibility for payment of land revenue. 263 Land revenue recoverable from any person, in possession. 264 Dates on which land revenue falls due and is payable. 264 Definitions Of ' 'arrear" and ' •defaulter. 264 Patel, Patwari, Gram Sabha or Gram Panchayat bound to give receipt. • 264 264 264 265 265 255 of land revenue, revenue on failure of crops. as to arrear and defaulter. Costs recoverable as part of arrear. Enforcement of processes in other districts. Payment under protest and suit for recovery. Application of proceeds of sale. Land sold for arrears to be free from encumbrances. Purchaser's tide. Purchaser not liable for land revenue due prior to sale. A 54-A Powers of the Tahsildar to let out the holding in respect (55 . 156. arrear is due or any other holding of the defaulter. Moneys recoverable as an arrear of land revenue. Recovery of moneys from surety. 265 266 266 266 266 266 266 of which 266 267

268 •rr-æ MADHYA PRADESH LAND REVENUE CODE, CHAVrER XII Tenure-Holders Sections 227 157. 158. 159. 160. 161. 162. 163. 164. 165. 166. 167. 168. 169

170. Class of tenure.Bhumiswami. Land revenue payable by Bhumiswamis. Revpcation of exemption from liability for land revcnue. Reduction Df revenue during the currency of settlement. Pending applications for conferral of Bhumiswami rr Devolution. Rights of transfer. Forfeiture in cases Exchange of land. Leases. Of certain transfers. Unauthorised lease etc. Avoidance of transfer in con travention of 170-A. Certain transfers to be set aside. 1 7D-B. Reversion of land of members of original transferred by fraud. section 165. tribe which was | 70-0. Advocate not to appear in proceedings under section 170-A or 170-B without permissiOn• 170-D. Second appeal barred. 171. 172. 173. 174. 175. 176. 177. 178. 179. 180, 181

182. Right to make improvemen ts.Diversion of land. Relinquishments. Disposal of relinquished sub-division. Right of way to relinquished land. Abandonment of holding. Disposal of holdings. Partition of holding. Rights to trees in holding. Restriction on transfer of trees

CHAPTER XIII Geverenment Lessees and Service Land Government lessees. Rights and liabilities of a Government lessee. 268 268 269 269 270 270 270 2n 2n 275 276 276 277 277 278 279 279 279 280 281 281. 28] 281 282 282 283 289 289 283 228 MADHYA PRADESH LAND REVFNUE CODE, Sections: Service land. 184. 185. 186. 187. 188, 189. 190. 191. 92 193. 194. 195. 196. 197. 198.) 99. 200. 201. 202. 203. 204. 205. 206. 207

208. Disposal of service land in Sironj Region when services no longer required.CHAYIER XIV Occupancy T enantE Occupancy tenan ts. Maximum rent. Commutation. RoupLion by Ehumiswami in certain cases. Conferral of Bhumiswarni rights on occupancy tenants. Restoration of occupancy tenan t. Devolution of rights of occupancy tenants. Of tenancy. Provisions applicable to occupancy tenant whose tenancy is terminated. Occupancy tena.nt's rights or transfer. Right of occupancy tenant to make improvement. Right of certain persons to apply to set aside transfers by occupancy ten ants. Surrender. Receipt. Penalty for failure to give receipt or for excess recovery. Remission and suspension of rent consequent on like traternent of land revenue. Reinstatement of wrongfully ejected occupancy tenant

CHAPTER XV Alluvion and Diluvion Alluvion ancl diluvion. Power to make assessment and decide disputes

CHAPTER Consolidation of Holdings Definitions. Initiation of consolidation proceedings. Rejection Df application. Admission of application. 284 284 285 286 286 237 288 288 289 289 290 290 290 291 291 291 292 293 293 293 THE MADHYA PRADESH LAND REVENUE CODE. 1959 229 Sections: 209. 210. 211. 212. 213. 214. 215. 216. 217. 218. 219. 220. 221 . 222 - 223 . 224 225 . 226 . 227. 228. 229. 230. 23k. 232 . 233

234. Preparation o? scheme for consolidation of holdings.Confirmation of scheme. Procedure on confirmation. Right of Bh umiswamis to possession of holdings. Transfer of rights Of Bhumiswamis in holdings. No instrument necessary to effect transfer. Costs of carrying out scheme. Recovery Of compensation and costs. Suspension of partition proceedings during consolidation proceedings. Transfer of property during proceedings. Rights af Bhumiswamis after consolidation Encumbrances of Bh umiswamis. Power to make rules

CHAPTER XVII Village Officers A —Patels currency same as of before. Appointment of patels. Remuneration of vatels. Dutics 01' patels. Ditties imposed under any law imposed on patels. Removal of patels. Punishment Df pa tels. upon land holders deemed to be Appointment of substi tute patel. En trustment of viüage managemen t. B - Kotwazs Appointment of kotwars and their duties. Remuneration of kotwars. C - Grarn Sabhø Gram Sabha. CHAPTER xvrn Rights in Abadi and Unoccupied Land and Its Prodaee Record of unoccupied land. Preparation of Nistar Patrak. 293 294 294 294 294 294 295 295 295 295 295 296 296 297 297 297 297 297 297 297 297 298 298 230 THE MADHYA PRADESH LAND RFVFNUE Sec tions: CODE, 1959 Patrak. 235. 236. 237 , 238. 239. 240. 241 . 242. 243. 244. 245 . 246. 247 . 248 . 249

250. Matters to be provided for in Nistar Provision in Nistar Patrak for certain matters.Collector to set apart land for exercise of Nistar rights. Rights in waste larid of another village. Rights in fruit bearing trees planted in unoccupied land. Prohibition of cutting of certain trees. Measures to prevent theft of timber

from Government forest. Wajib-ul-arz. Abadi. Disposal of abadi sites. Rights to hold house site free of land revenue. Right persons holding house sites in abadi. Government's title to minerals. Penalty for unauthorisedly taking possession of land. Regulation of fishing, hunting, etc. Reinstatement of Bhumiswami improperly dispossessed. 250-A. Confinement in civil prison on failure to restore possession 251 . 252 . 253. 254. 255. 256. 257 , under section 250. Vesting of tanks in State Government. Maintenance of works of public utility. Punishment for contravention Of provisions. Performance of duties of Gram Sabha by Patel

CHAPTER XIX Miscellaneous Prescription of standards of cultivation and management. Inspection and copies Exclusive jurisdiction 257-A. Burden of proof and proceedings. 2 General rule making of maps and land records. of revenue authorities. bar of legal practitioners in power. certain 298 299 299 299 300 300 300 301 302 302 302 302 303 304 305 307 307 308 308 309 309 309 311 311 THE MADHYA PRADESH LAND REVENUE CODE. 1959 231 Sections: 259 . 260. 261 . 262 . 263

264. Reference to certain tenures. Reference to laws not in force Repeal and savings. Transitory provisions. Power to remove difficulties. Code not to apply in certain SCHEDULE SCH in any region. cases. 315 316 316 317 317 317 326 327 232 Short title, extent and commencement. Or-Enactment; or-B. THE MADHYA PRADESH LAND REVENUE CODE, 1959 MADHYA ACT (No. 20 1959) 1 THE MADHYA PRADESH LAND REVENUE CODE, 1959 (Received the assent of the President on the 15th September, 1959; assent first published in 'Madhya Pradesh Gazette' extraordinary the 21st September 1959.) An Act to consolidate and amend the relating to land revenue, the of Revenue Rights and liabilities of holders of land from State Government agricultural tenures and other matters relating to land and liabilities incidental thereto in Madhya Pradesh. Be it enacted by the Madhya Pradesh Legislature in the Tenth Year of the Republic of India as follows : **CHAVEER Preliminary (1)** This Act may be called the Madhya Pradesh Land Revenue code, 1959. **(2)** It extends to the whole of Madhya Pradesh but nothing in this Code shall apply to such areas as may, from time to time, be constituted as reserved or protected forests under the Indian Forest Act, 1927 (XVI of 1927). **(3)** This Code shall come into force on such as the State Government may, by notification, appoint. **2. (1)** In this Code, unless there is anything repugnant to the subject or context,— "abadi" means the area reserved from time to time in a village in a non-urban area for the residence of the inhabitants thereof or for purposes ancillary thereto, and any other local equivalent of this expression such as "village site" or "gaonsthan" shall also be construed accordingly; "agriculture" includes— (iii) the raising of annual or periodical crops including betel leaves (Pan) and watermelons (Singhara) and garden produce; horticulture; the planting and upkeep of orchards; and the reserving of land for fodder, grazing or thatching grass; **2. "agricultural year"** means the year commencing on the first day of July or such other date as the State Government may, by notification, appoint; **(d) "Board"** means the Board of Revenue constituted under section 3; For Statement of Objects and Reasons (in English) see Madhya Pradesh Gazette Extra. ordinary dated the 1st July, 1958 page 1136 and (in Hindi) dated the 14th August, 1958. page 301. For Proceeding' in Assembly see Madhya Pradesh Vidhan Sabha Proceeding. 1958 Volume I V, n. 1, page 10-50, no. 2. page LOG-135, no. 3, pages 210-247, nn. page 312-341, no. 5, pages 400-418, no. 6, 515 548

1959. Vol.V, no. 29, page 2594, no. 36. pages 3418-344.3, no. 37 page 3476-3526. no. 38, pages 355+304, no. 39 page 86+2-3678, no. 40. 3775+3B05. no. 41, pages 3911-3988, no. 42, page 5 no. 43, f 115- 4172. no. 44, pages 430343-52, and no. 45, 435&4429. 2nd October, 1959, see Govt. of M. P. Revenue Deptt. Notification No. dated the 21st September, published on page 1463 of the Madhya Pradesh Gazette Extra. ordinary, dated the 21st September, 1959. **THE MADHYA PRADESH LAND REVENUE CODE 1959 'bonafide agriculturist'** means a person who cultivates land personally or who may reasonably be expected to cultivate land registered as such "co-operative society" (t) under any law relating to Co-operative societies in force for the time being in any region of the State; **(g) "Government forest"** means a forest constituted as a reserved forest or protected forest in accordance with the provisions of the Indian Forest Act, 1927 (XVI Of 1927); **233 (0) "Government lessee"** means a person holding land from the State Government under section 181; **"holding"** means— (i) a parcel of land separately assessed to land revenue and held under one tenure; and (ii) in reference to land held by a tenant a parcel of land held from a Bhumiswami under one lease or other conditions; **(j) "improvement"** means with reference to a holding, any work which adds value to the holding which is suitable thereto and consistent with the purpose for which the holding, which it is held and which, is either executed directly or

its benefit or is after execution, made directly beneficial to it; and, subject to the foregoing provisions, includes— the construction of tanks, wells, water channels, embankments and other works for storage, supply or distribution of water for agricultural purposes; (ii) the construction of works for the drainage of land or for the protection of land from floods, or from erosion or other damage from water; trees and the reclaiming, clearing, the planing of: enclosing, levelling or terracing of land; (it') the erection of buildings on or in the vicinity of the holding, than the a badi or urban area, required for the convenient or profitable use occupation of the holding; and (v) the renewal or reconstruction or any of the foregoing works. Or alterations therein or additions thereto; but does not include— (a) temporary wells and such waterchannels, levelling, enclosures or other works or petty alterations in or repairs to such works. as are, commonly made by cultivators of the locality in the ordinary course of agriculture; or (b) any work which substantially diminishes the value of any land, wherever situated, in the occupation of any other person. whether as Bhumiswami or occupancy tenant; Explanation.— A work benefits several holdings if: as he deemed to be an improvement with respect to each of such holdings: 234 THE MADHYA PRADESH LAND REVENUE CODE. 1959 (k) 'land' means a portion of the earth's surface whether or not under water; and, where land is referred to in this Code, it shall be deemed to include all things attached to or permanently fastened to any thing attached to such land; (l) 'landless person' means a person who is a bonafide agriculturist and who whether individually or jointly with other members of his family hold no lands or land less than the area which may be prescribed in this behalf; Explanation.— For purposes of this clause the family of a person shall be deemed to consist of his spouse, issue and parents. (m) "land records" means records maintained under the provisions of this Code; "legal practitioner" means any person entitled to practise in any of the courts in Madhya Pradesh under the Legal Practitioners Act, 1879 (XVIII of 1879), or under any other law for the time being in force; 'mango grove' means mango trees planted in such numbers (0) that they preclude or when full grown are likely to preclude the land on which they stand or any major portion thereof from being used primarily for any purpose other than planting of trees; (p) 'orchard' means fruit trees planted in such numbers that they preclude or when full grown are likely to preclude the land on which they stand or any major portion thereof from being used primarily for purpose other than trees; (q) 'plot number' means a portion of land (l) urban area. (q) as plot number under section formed into 93, in respect of the land revenue entered the prescribed under an indicative number and includes any portion of in the records entered an indicative number known as khasra or survey number; 'recognised agent' in reference to a party to a proceeding under the Code means— (i) a person authorised under a power of attorney by such party to make appearance and applications and to do other acts on his behalf in such proceedings; and (ii) a person authorised in writing by such party to make appearance on his behalf in such proceedings; 'region' means the Mahakoshal region, the Madhya Bharat region, the Bhopal region, the Vindhya Pradesh region and the Sironj region, or any of these, as the case may be; 'rents' means whatever is paid or is payable in money in kind — by an occupancy tenant to his Bhumiswami according to the provisions of section 188 or by a lessee to his Bhumiswami on account of the use or occupation of land held by him from such Bhumiswami; or (ii) by a Government lessee to the Government on account of the use or occupation of land leased out to him by the Government; See now the Advocate: Act, 1961 (25 of 1961). THE MADHYA PRADESH LAND REVENUE CODE. 1959 (a) "Revenue Officer" in any provision of this Code means such Revenue Officer as the State Government may, by notification, direct to discharge the functions of a Revenue Officer under that provision; (w) "revenue year" means the year commencing on such date as the State Government may, in the case of any special local area, by notification, appoint; (w) "sub-division of a survey number" means a portion of a survey number in respect of which the area the land revenue payable are separately entered in the land records under an indicative number subordinate to that of the survey numbers of which it is, a portion: 'survey number' means a portion of land in non-urban area formed into, or recognised as a survey number at the last preceding revenue survey, or subsequently recognised as such by the Collector, in respect of which the area and land revenue payable are separately entered under an indicative number in the land records; and includes. any portion of land entered in the land records under an indicative number known as the khasra number; 'tenant' means a person holding land from a Bhumiswami as an occupancy tenant under Chapter XIV; (z) "tenant-holder" means a person who holds land from the State Government and who is or is deemed to be Bhumiswami under the provisions of this Code: 235 'timber' means trees of the following species, (i) (iii) *Tectona grandis* (sagwan) ; *Pterocarpus* (X.f.qrump51tm (bija) ; *Dalberia*

I at;-folki (shishamj ; Shorea robusta (sal) ; tinsa ; Term;naiia tomentosa (ain or sai) ; Santalumalbam (Chandan) ; (Z-2) "to cultivate personally" means to cultivate on one's Own account— (t) by one's own labour, or by the labour of any member of one's family, or (iii) by servants on wages payable in cash or kind but not in crop share, or (iv) by hired labour under one's personal supervision or the personalsupervision of any member of one's family; (Z.S) "unoccupied land" means the land in a village other than the abadi or service land, or the land held by a Bhumis- warni, a tenant or a Government lessee; (Z-4) "urban area" means the area fQr the time being included within the limits of any municipal corporation or any municipality or notified area constituted under any law for the time being in force relating to municipalities or any village. or group of villages which may be specified by the State Government urban area; and the expression "non•urban area" shall bc construed accordingly; 23â ' Ch'itutuicn of Board of THE MADHYA PRADESH LAND REVENUE CODE, 1959 Hindpal seat aud other places of sittings of Roard of Revenue. (05) "village" Illeans any tract of land which, before coming into {orce ot this Code, was recogniscci as or was declared as a village under the provisions any law for the time l)Cing in force and anv other tract of land which is hereafter recognised as a village at any revenue survey or which the State Gvnernment may. by notification, declare to he a village. (2) Any reference made in this Code to the date of coming into force Of this Code shall be construed as areference to the date appointed by notifica- tion under sub-section (3) of section

CHAPTER 11 Board of Revenue (1) There shall be a Board of Revenue for Madhya Pradesh con- 3. sisting ofa President and two or more Other members as the State Government fit to appoint. from time tn time, (2 h The Board Revenue as constituted and lUunctioning for the several regions of this Sta te immediately before the coming into force of this Code, hereinafter in this Chapter referred to as the existing Board, shall with effect from the date of coming into force of this Code. be deemed to be the Board of Revenue Pradesh constituted under rlGs section. (3 h The President and members of the existing Board shall be the first President and members respectvelv of the Board of Revenue for Madhya Pradesh. 'J'he, principal sc;ã of the Board shall 7 t such place as the State Government may, by notified order, appoint. (2) Notwithstandbng anything contained in sub-section the President and members of the Board mav ah,o sit at such other or l-Jaccs as the President of the Board may with the approval of the State Government; appoint. H•he.n meruber is, by reason cf absence or otherwise, unable Cmnditions c? service of members o' Board. Salaries and all(iwatlces. uridiction: of Board. 10 perform the duties (If his office, the State Government may, by notification, apoQint any person to be. for the time being, a member of the Board, (2) as expressiy provided by this Cocic, the terms and condi- tians of service of the President and members of the Foard shall be snob as may he prescribed and the terms and conditions laid down by the State Government for the President artci membC1.s of the existing Board Shail con tinue in force until modified or suncrsedcd under this (3) A person shall ncjt be auaJified for appointment as a member of the Board unless he (a) is ekigible for appointrment as a Judge of the High Court; or has been a Revenue (offcer. and has held, for at ieast five years, an Dffice not lower in rank than that of a Collector. There shall be paid to the members of the Board such salaries and 6. allowances as the State Governn;ent mav dctermir:e and those salaries and allowances shall be charged on the consolida ted fimd of the Statc. (1) The Board shall exercise the pawers and discharge the functions conferred up it by or under this Code and such functions of the State Govern- ment a.s mav be specified by notification by the State Government in that behalf and such ot l'.r•r functions as have } pen conferred or may be conferred by or under nn the Chief Revenue Authority or the Chief Controlling anv or State Revenue Authority. THE MADHYA PRADESH LAND REVENUE CODE, 1959 (2) The State Government may, subject to such conditions as it may down fit LO impose, by notification, confer upon, or entrust to the Board or any member Of the Board additional powers or functions as.signed to the State Government by or Under any enactment for the time being in force, U. The Board shall, in respect;i ot' all matters subject to its appellate or revisional jurisdiction, have superintendence over all authorities in so far as ;uch authorities deal with such matters and may call for returns. 9, 'The Board may make rules for the exercise of powers and functions of the Board, by benches constituted of one or more members thereof, and a!! decisions given by such benches in exercisc of such powers or funcrions be (h:rned be the decisions of the Board. 10. All appeals, applications revision and other proceedings pending b±re the existing Board immediately before the coming in tn force of this Code shall be heard and decided by the Board

CHAPTER 111 Revenue Officers, their Classes and powers I] There shall be the following classes of the Revenue Officers, namely; Commissioners (including Additional Commissioners) ; Settlement Commissioner (including Additional Settlement Commissioner) ; Collectors (including Additional Collectors) ; Settlement Officers; Sub-Divisional Officers: Assistant Collectors; Deputy Collectors; [Deputy Settlement Assistant Settlement Officers: (including Additional Tahsildars) : Tahsildars Superintendents of Land Records; Nai ; Assistant Superintendents of Land Records. 12. (1) All Revenue Officers shall be subordinate to the State Government. (2) All Revenue Officers in a Division shall be subordinate to the Commissioner. 237 Powers of superintendence of Board. Exercise of jurisdiction by single members and benches. Cases pending at the time of Code. Revenue Commissioner. (3) Unless the State Government otherwise directs all Revenue Officers in a district shall be subordinate to the Collector, (1) The State Government may create divisions comprising of such districts as it may deem fit and may abolish or alter the limits of such divisions Ins. M. P. Act 15 of 1950, S.2. Control over Revenue Officer. Power to alter, create or abolish divisions, district, and tahsils. 238 MADHYA PRADESH LAND REVENUE CODE, 1959 (2) The State Government may alter the limits of any district or tahsil and may create new, or abolish existing districts Or tahsils, and may divide any district into sub-divisions and may alter the limits of or abolish, any sub-division : Provided that the State Government before passing any orders under this section on any proposal to alter the limits of any division or district or tahsil or to create new or abolish existing divisions, districts or tahsils, shall publish in the prescribed form such proposals for inviting objections and shall take into consideration any objections to such proposal. (3) Subject to the orders of State Government under sub-section (2), every tahsil shall be deemed to be a part of a district. 14. (1) The State Government shall appoint in each division a Commissioner who shall exercise therein the powers and discharge the duties conferred and imposed on a Commissioner by or under this Code or by or under any other enactment for the time being in force. (2) The State Government may, subject to such conditions as it may deem fit to impose, by notification, confer upon the Commissioner any of the powers or functions assigned to the State Government by or under any enactment the time being in force. 15 (1) The State Government may appoint an Additional Commissioner. Power to appoint Additional Collectors. Appointment and powers of Assistant Collectors Deputy Collectors. Commissioner in a division or in two or more divisions. (2) An Additional Commissioner shall exercise such powers and discharge such duties conferred and imposed on a Commissioner by or under this Code or by or under any other enactment for the time being in force in such cases or class of cases as the State Government may, by a general order, notify or as the Commissioner of the division may, subject to any general or special restrictions imposed by the State Government, by an order in writing direct. (3) This Code and every other enactment for the time being in force and any rule made under this Code or any such Other enactment shall, except where expressly directed otherwise, apply to the Additional Commissioner when exercising any powers or discharging any duties under sub-section (2) as if he were the Commissioner of the division

16. The State Government shall appoint in each district a Collector who shall exercise therein the powers and discharge the duties conferred and imposed on a Collector by or under this Code or any other enactment for the time being in force.(1) The State Government may appoint one or more Additional Collectors in a district. An Additional Collector shall exercise such powers and discharge such duties conferred and imposed on a Collector by or under this Code or by such cases or or under any Other enactment. for the time being in force, in class of cases as the State Government may, by a general order, notify or as the Collector of the district may, subject to any general or special restrictions imposed by the State Government, by an order in writing direct. This Code and every other enactment for the time being in force and any rule made under this Code or any such other enactment shall, except where expressly directed otherwise, apply to the Additional Collector, when exercising any powers or discharging any duties under sub-section as if he were the Collector of the district

18. The State Government may appoint for each district as many persons as it thinks fit to be Assistant Collectors of the first and second grades and Deputy Collectors who shall exercise such powers as the State Government notification, direct.THE MADHYA PRADESH LAND REVENUE CODE. 19. (1) The State Government may appoint in each tahsil a Tahsildar and one or more Naib-Tahsildars who shall exercise therein the powers and perform the duties conferred or imposed on them by or under this Code or under any other enactment for the time being in force. (2) The State Government may

appoint one or more Additional Tahsildars in a tahsil. An Additional Tahsildar shall exercise such powers and discharge such duties conferred or imposed on a Tahsildar by or under this Code or by or under any other enactment for the time being in force as the Collector of the district may by an order in writing direct. 20. (1) The State Government may appoint to each district as many persons as it thinks fit to be Superintendents of Land Records and Assistant Superintendents of Land Records. (2) The Superintendents and Assistant Superintendents of Land Records shall exercise the powers and perform the duties conferred and imposed on them by or under this Code or any other enactment for the time being in force. (1) The State Government may appoint such other officers and [2]. invest them with such powers as may be necessary to give effect to the provisions of this Code. (2) Such officers shall discharge such duties and subordinate to such authorities as the State Government may direct. 22. [(1) The Collector may place one or more Assistant Collectors or Deputy Collectors in-charge of a sub-division of a district or in-charge of two or more sub-divisions of a district]] (2) Such Assistant Collector or Deputy Collector shall be called a Sub-Divisional Officer and shall exercise such powers of a Collector as the State Government may, by notification, direct. 23. Unless the Collector otherwise directs, every Revenue Officer in a sub-division shall be subordinate to the Sub-Divisional Officer and a Naib-Tahsildar in a tahsil shall be subordinate to the Tahsildar. (k) The State Government may confer on any person the powers 24. conferred by or under this Code on any Revenue Officer. The State Government may confer on any Assistant Collector, (2) Tahsildar or Naib-Tahsildar the powers conferred by this Code on a Revenue Officer of a higher grade

25. If any Revenue Officer, who has been invested with any powers under this Code, in any tahsil or district, is transferred to an equal or higher Office of the same nature in any other tahsil or district, he shall, State Government otherwise directs, exercise the same powers under this Code in such other tahsil or district

26. If the Collector dies or is disabled from performing his duties the officer who is temporarily placed in charge of the duties of the Collector shall be held to be the Collector until the State appoints a successor to the Collector so dying or disabled and such successor takes charge of his appointment

CHAPTER IV Procedure of revenue officers and Revenue Court* 199 Appointment of Tahsildar, Additional Tahsildar and Naib-Tahsildar. Appointment of Superintendents of Land Records and Assistant Superintendents of Land Records. Other Officers. Sub-divisional Officers. Subordination of Revenue Officers. Conferral by State Government of powers of Revenue Officers on Officials and other persons. Powers exercisable on transfer. Collector in case of temporary vacancy. Place for holding enquiries

27. Except Khail enquire into, jurisdiction : Subs. by M. P. for reasons to be recorded in "Title", no Revenue Officer or hear any case at any place outside the local limits of his Act 53 of 1984. S 2 340 THE MADHYA PRADESH LAND REVENUE CODE, 1959 Power to enter upon and survey land. Power to transfer cases. Power to transfer cases to and from subordinate. Conferral of powers of Court* on Board and Revenue Officers. Inherent power Revenue Courts. Powers of Revenue Officer to require attendance of persons and production of documents and to receive evidence. Provided that a Sub-Divisional Officer may enquire into, or hear, any case at any place within the district to which he is appointed

28. All Revenue officers, revenue inspectors, measurers and patwari and when under their observation and control, their servants and workmen when so directed, may enter upon and survey land and demarcate boundaries and do other acts connected with their duties under this Code or any other enactment for the time being in force and in so doing shall cause no more damage than may be required for the due performance of their duties . Provided that no person shall enter into any building or upon any enclosed court or garden attached to a dwelling house, unless with the consent of the occupier thereof, without giving such occupier at least twenty-four hours notice, and in making such entry due regard shall be paid to the social and religious sentiments of the occupier. 29. (1) Whenever it appears to the Board that an order under this section is expedient for the ends of justice, it may direct that any particular case be transferred from one Revenue Officer to another Revenue Officer of an equal or superior rank in the same district or any other district. (2) The Commissioner, on an application made to him in this behalf may, if he is of opinion that it is expedient for the ends of justice, order that any particular case be transferred from a Revenue Officer to another Revenue Officer of an equal or superior rank in the same district or any other district in the same division. 30. (1) A Collector, a Sub-Divisional

Officer, or a Tahsildar may make over any case or class of cases arising under the provisions of this Code or any other enactment for the time being in force, for decision from his own file to any Revenue Officer subordinate to him competent to decide such case or class of cases, or may withdraw any case or class of cases from any such Revenue Officer and may deal with such case or class of cases himself or refer the same to or dispose to any other Revenue Officer subordinate to him competent to decide such case or class of cases. (2) Commissioner, a Collector, a Sub-Divisional Officer, or a Tahsildar may make over for inquiry and report any case or class of cases arising under the provisions of this Code or any other enactment for the time being in force from his own file to any Revenue Officer subordinate to him. The Board or a Revenue Officer, while exercising power under this Code or any other enactment for the time being in force to enquire into or to decide any question arising for determination between the State Government and any person or between parties to any proceedings, shall be Revenue Court

32. Nothing in this Code shall be deemed to limit or otherwise affect the inherent power of the Revenue Court to make such orders as may be necessary for the ends of justice or to prevent the abuse of the process of the Court.

33. (1) Subject to the provisions of sections 132 and 133 of the Code of Civil Procedure, 1908 (V of 1908) and to rules made under section 41, every Revenue Officer acting as a Revenue Court shall have power to take evidence, to summon any person whose attendance he considers necessary either to be examined as a party or to give evidence as a witness or to produce any document for the purposes of any inquiry or case arising under this Code or any other enactment for the time being in force. (2) No person shall be ordered to attend in person, unless he resides— (a) within the limits of the tahsil if the Revenue Officer acting as a Revenue Court is a Naib Tahsildar and in the case of any other Revenue Officer, within the local limits of his jurisdiction; or (b) without such limits but at a place less than fifty, or where there is a railway communication or other established public conveyance for five-sixths of the distance between the place where he resides and the place where he is summoned to attend, less than two hundred miles distant from such place. (3) Any person present may be required by any such Revenue Officer to give evidence or to produce any document then and there in his possession or power. (4) Every such Revenue Officer shall have power to issue a commission to examine any person who is exempted from attending Court or who cannot be ordered to attend in person or is unable to attend on account of sickness or infirmity

34. If any person on whom a summons to attend as witness or to produce any document has been served fails to comply with the summons, the officer by whom the summons has been issued under section 33 may—(a) issue a bailable warrant of arrest; (b) order him to furnish security for appearance; or (c) impose upon him a fine not exceeding rupees fifty.

35. (1) If on the date fixed for hearing a case or proceeding, a Revenue Officer finds that a summons or notice was not served on any party due to the failure of the opposite party to pay the requisite process fees for such service, the case or proceeding may be dismissed in default of payment of such process. (2) If any party to a case or proceeding before a Revenue Officer does not appear on the date fixed for hearing after due service of a notice or summons on him the case may be heard and determined in his absence or may be dismissed in default, as the case may be. (3) The party against whom any order is passed under sub-section (1) or (2) may apply within thirty days from the date of such order or knowledge of the order in case the notice or summons was not duly served, to have it set aside on the ground that he was prevented by any sufficient cause from paying the requisite process fees for service of a summons or notice on the opposite party or from appearing at the hearing and the Revenue Officer may, after notice to the opposite party which was present on the date on which such order was passed and after making such inquiry as he considers necessary, set aside the order passed. (4) Where an application filed under sub-section (3) is rejected, the party aggrieved may file an appeal to the authority to whom an appeal lies from an original order passed by such Officer. (5) Except as provided in sub-section (4) or except where a case or proceeding before any Revenue Officer has been decided on merits, no appeal shall lie from an order passed under this section. A Revenue Officer may, from time to time, for reasons to be recorded in such terms as to costs, adjourn the hearing of a case or proceeding before him. (2) The date place of an ordered hearing of a case or proceeding shall be intimated at the time of the adjournment to such of the parties witnesses as are present

37. A Revenue Officer may award costs incurred in any case or proceeding arising under this Code or any other enactment for the time being in force in such manner and to such extent, as he thinks fit: 24 Compelling attendance of witnesses. Hearing in absence of party. Adjournment of hearing. Power to award

ccxts. Manner of executing order to deliver of immovable property. Persons by whom appearances and applications may be made before and to Revenue Officers. Effects of rules in Schedule 1 power of Board to make rule. MĀDAfĀ'ÉklĀDEsg -LAND 'REVENUE-ECODE, 1959, Provided that the fees of a legal practitioner shall not be allowed as -costs in any such case or proceeding, such officer -considers otherwise for reasons to be recorded by him in writing

38. Where any person against Whom an order to deliver possession of immovable property has been passed under this (ic;dc such order shall be executed in the following manner, namely: (a) by serving a notice on the person or persons' in possession requiring them within such time as may appear reasonable after receipt of the said notice to vacate the land; and (b) if such notice is not obeyed, by removing or deputing a subordinate to remove any person who may refuse to vacate the same; and if the officer any such person is resisted or obstructed by any person, the Revenue Officer shall hold a summary inquiry into the facts of the case, and satisfied that the resistance or obstruction was without any just cause, and that such resistance or obstruction still continues, notwithstanding, without prejudice to any proceedings to which such person may be liable under any law for the time being in force for the punishment of such resistance or obstruction, take or cause to be taken, such steps and use, or cause to be used, such force- as may, in the opinion of such officer, be reasonable necessary for securing compliance with the order

39. Save as otherwise provided in any other enactment for the time being in force, all appearances before, applications to and acts to be done before any Revenue Officer under this Code or any other enactment for the time being in force may be made or done by the parties themselves or by their recognised agents or by any legal practitioner : Provided that subject to the provisions of sections 132 and 133 of the Code of Civil Procedure, 1908 (V of 1908), any such appearance shall, if the Revenue Officer so directs, be made by the party in person: Provided further that appearance alone may be made by a recognised agent falling under item (ii) of clause (r'h of sub-section (1) of section 2. 40' "The rules in Schedule I shall have effect as if enacted in the body of this Code until annulled or altered in accordance with the provisions of this Code regulating the practice and procedure of the Board and the procedure to be followed by other Revenue Courts and may by such rules annul, alter or add to all or any of the rules in Schedule I. (2) In particular and without prejudice to the generality of the Powers conferred by sub-section such rules may provide for all or any of the following matters, namely:— the service of summons, notices and process by post or in any other manner either generally or in any specified areas. and the proof of such service; (b) the regulation of power of Revenue Officers to summon parties and witnesses and the grant of expenses to witnesses, the regulation of recognised agents with regard to appearances, applications and acts done by them in proceedings under this Code; (d, procedure to be observed in effecting attachment of movable and immovable (e) procedure for publishing, conducting, setting aside and confirming sales and all ancillary matters with such proceedings; LMĀDH*AI PRAIESH*- LAND CODE, the maintenance and custody, while under attachment, of live-stock and other movable property, the fees payable for such maintenance. and consequently, the sale of such live-stock and property, and the proceeds of such sale; (g) Consolidation of appeals and other proceedings* (h) all forms, registers, books, entries and accounts which may be necessary or desirable for the transaction of the business of Revenue Courts; - (i) the time within which, in the absence of any express provision, appeals or applications for revision may be filed; (j) the cost of and incidental to any proceedings; (k) examination of witnesses on commission and payment of expenses incidental to such examination; licensing of petition-writers and the regulation of their conduct. Such rules shall be subject to the condition of previous publication and approval of the State Government, and after they are so made and approved they shall be published in the Gazette. and shall, from the date of publication or from such other date as may be specified, have the same force and as if they were contained in Schedule I. '12. No order passed by a Revenue Officer shall be reversed or altered in appeal or revision on account of any error, omission or irregularity in the summons, notice, proclamation, warrant or order or other proceedings before or during any enquiry or other proceedings under this Code, unless such error, omission, or irregularity has in fact occasioned a failure of justice. Explanation.— In determining whether any error, omission or irregularity in any proceedings under this Code has occasioned a failure of justice regard shall be had to the fact whether the objection could and should have

been raised at an earlier stage in the proceedings. Orders of Revenue officer when reversible by reason of error or irregularity

43. Unless otherwise expressly provided in this Code, the procedure laid down in Code of Civil Procedure to in the Code of Civil Procedure, 1908 (V of *hail, so far as may be, be followed apply when no express pmvi.in all proceedings under this Code

CHAPTER V Appeal, Revision And Review 44. (P) Save where it has been otherwise provided, an appeal shall lie from every original order under this Code or the rules made thereunder. Sion made in this Code. Appeal and authority of appellate (d) if such order is passed by any Revenue Officer subordinate to the Sub-Divisional Officer, whether or not the officer passing the order is invested with the powers of the Collector to the Sub-Divisional Officer; if such order is passed by the Sub-Divisional Officer, whether or not invested with the powers of the Collector to the Collector; if such order is passed by any Revenue Officer subordinate to the Settlement Officer to the Settlement Officer; if such order is passed by any Revenue Officer in respect of whom a direction has been issued under sub-section (3) of section 12 or sub-section (2) of section 21 to such Revenue Officer as the State Government may direct; if such order is passed by a Collector, whether exercising the powers of the Settlement Officer. The currency of the term of settlement to the 244 THE MADHYA PRADESH LAND REVENUE CODE, 1959 (f) if such order is passed by a Settlement Officer, whether exercising the powers of Settlement Officer or the powers of a Collector in connection with any settlement operation unless otherwise expressly provided to the Settlement Commissioner; (g) if such order is passed by the Commissioner or the Settlement Commissioner to the Board. [(2) Save as otherwise provided a second appeal shall lie against every order passed in first appeal under Code or the rules made thereunder— (i) by the Sub-Divisional Officer or the Collector to the Commissioner; (ii) by the Settlement Officer to the Settlement Commissioner; (iii) by the Commissioner to the Board— (a) if the original order has in the first appeal been varied or reversed otherwise than in the matter of cost; or (h) on any of the following grounds and no other, namely:— (i) that the order is contrary to law or usage having the force of law; or that the order has failed to determine some of law or usage having force of law; or (iii) that there has been a substantial error or defect in the procedure as prescribed by this Code, may have produced error or defect in the decision of the case upon merits (3) An order passed in review varying or reversing any order shall be appealable in like manner as the original order

45. All proceedings arising from the Madhya Bharat region, and pending before the Director of Land Records in appeal, revision or review immediately before the coming into force of this Code, shall stand transferred to the Settlement Commissioner and every such proceeding shall be heard and decided by the Settlement Commissioner as if it had been entertained by him under the provisions of this Code. In a number of certain pending proceedings the Settlement Commissioner. No appeal against certain orders. Limitation of appeals. [46 47. (b) (d) Appeal shall lie under this Code from an order— admitting an appeal or application for review on the grounds specified in section 5 of the Indian Limitation Act, 1908 (X of 1908); or rejecting an application for review; or granting or rejecting application for stay; or an interim order; or relating to appointment under sub-section (2) of section 30.4 or sub-section (1) of section 30.6.] 2. No appeal shall (a) be made by the Sub-Divisional Officer or Collector or Settlement Commissioner, after the expiration of forty-five days from the date of the order to which it relates, or 3. substituted by M. P. Act 10 of 1956.

2. Now see the Limitation Act. (36 1963 h sub.. by M. P. 24 1961, S.2. (b) THE MADHYA PRADESH LAND REVENUE CODE, sixty days from to the Commissioner after expiration such date; or to the Board, after the expiration of ninety days from such date: Provided an appeal to any Revenue Officer specified in clause (a) from an order passed in the Madhya Bharat region before the coming into force of this Code may be filed before, the, expiration or sixty days from the date of such order . Provided further that Where a party, other than a party against whom the order has been passed ex-parte, had no previous notice or the date on which the order is passed, limitation under this section shall be computed from the date of the communication of such order

48. Every petition for appeal, review or revision shall be accompanied by a certified copy of the order to which 012jcc Zinn is rnade.unless the production of such copv is dispensed with. 49. (P 'he appellate authority mav either admit the appeal or, after calking the record and giving the appellant an opportunity to be heard, may summarily reject it: Provided that the appentac authority shall not be bound

to call for the record where the appeal is time-barred or not lie. (2) If the appeal is admitted, date to be fixed for hearing and notice to be served on the appellant. (3) After hearing the parties, if they appear, the appellate authority may or may not reverse the order appealed against: may confirm, may vary or may direct such further investigation to be made, or such additional evidence to be taken, may itself take such additional evidence; or as it may think fit; or may remit the case for disposal with such directions as it thinks fit. The Board or the Commissioner or the Settlement Commissioner or the Collector or the Settlement Officer may at any time on its/his motion or on the application made by any party for the purpose of satisfying itself/himself as to legality or propriety of any order passed by or as to the regularity of the proceedings of any Revenue Officer subordinate to it/him call for, and examine the record of any case pending before, or disposed of by such officer: and may pass such order in reference thereto as it/he thinks fit: Provided that--- no application for revision shall be entertained- (a) against an order appealable under this Code: (b) against an order of the Settlement Commissioner* under section 210: (ii) no such application shall be entertained unless presented within sixty days to the Commissioner or the Settlement Commissioner or the Collector or the Settlement Officer as the case may be, or within ninety days to the Board of Revenue from the date of the order and in computing the period aforesaid, time requisite for obtaining a copy of the said order shall be excluded (iii) no order shall be varied or reversed in revision unless notice is served on the parties interested and opportunity given to them of being heard. (2) Notwithstanding anything contained in sub-section (i) where proceedings in respect of any case have been commenced by the Board under sub-section (1) no action shall be taken by the Commissioner or the Settlement Commissioner or the Collector or the Settlement Officer in respect thereof; (i) where proceedings in respect of any case have been commenced by the Commissioner or the Settlement Commissioner under sub-section (1), Board may either refrain from taking any action under this section in respect of such case until the final disposal of such proceedings by the Commissioner or the Settlement Commissioner or Collector or the Settlement Officer, as the case may be, or may withdraw such proceedings and pass such order as may seem fit; (iv) where proceedings in respect of any such case have been commenced by the Collector or the Settlement Officer under sub-section (1), Board may either refrain from taking any action under this section in respect of such case until the final disposal of such proceedings by the Collector or the Settlement Officer, as the case may be, or may withdraw proceedings and pass such order as it may deem fit- For the purpose of this section all Revenue Officers shall be deemed to be subordinate to the Board. (5) and every Revenue Officer may, either on its/his own motion or on the application of any party interested review any order passed by itself/himself or by any of its/his predecessors in office and pass such order in reference, as it thinks fit. Provided that (i) if the Commissioner, Settlement Commissioner, (Collector or Settlement Officer) thinks it necessary to review any order which he has made he shall first obtain the sanction of the Board, and if the same is passed, if an subordinate to a Collector or Settlement Officer proposes to any Order, whether passed by himself or by any predecessor- he shall first obtain the sanction in writing of the authority to whom he is immediately subordinate. unless notice has been given to the parties interested to appear and be heard in support of such order; (ii) no order from which an appeal has been made, or which is the subject of any revision proceedings shall, so long as such appeal or proceedings are pending, be reviewed; (iii) no order affecting any question of right between private persons shall be reviewed except on the application of a party to the proceedings. and no application for the review of such order shall be entertained unless it is made within ninety days from the passing of the order. (2) No order shall be except on the grounds provided for in the Code of Civil Procedure, 1908 (V of 1908). (3) For the purposes of this section the Collector shall be deemed to be the successor in office of any Revenue Officer who has left the district or who has ceased to exercise powers as a Revenue Officer and to whom there is no successor in the district. (4) An order which has been dealt with in appeal or on revision shall not be reviewed by any Revenue Officer subordinate to the appellate or revisional authority. I Subs. by M. P. Act 25 of 1952. Ins. by S. 3. ibid

3. Renumbered by, S.3, 1964, S.2. ibid THE MADHYA PRADESH LAND REVENUE CODE, (1) A Revenue Officer who has passed any order or his successor 52. in office may, at any time before the expiry

of the period prescribed for appeal or revision, direct the execution of such order to be stayed for such time as may be requisite for filing an appeal or revision and obtaining a stay order from the appellate or revisional authority. (2) The appellate or revisional authority may, at any time direct the execution of the order appealed from or against which a revision is made to be stayed for such time as it may think fit. (3) The authority exercising the powers conferred by section 50 or section 51 may direct the execution of the order under revision or review to be stayed for such time as it may think fit. (4) The Revenue Officer or the authority directing the execution of an order to be stayed may impose, such conditions or order such security to be furnished as he or it thinks fit, (5) No order directing the stay of execution of any order shall be passed except in accordance with the provisions of this section. Any express provision contained in this Code or the provisions of the Indian Limitation Act, 1908 (IX of 1908), shall apply to all appeals and applications for review under this Code

54. Notwithstanding anything contained in this Chapter, but subject to the provisions of section 45, all proceedings pending in revision before any Revenue Officer immediately before the coming into force of this Code, shall be heard and decided by such Revenue Officer as if this Code had not been passed. It is hereby declared that save as otherwise provided in this Code, the provisions of this Chapter shall apply to- (a) all orders passed by any Revenue Officer before the date of coming into force of this Code, and against which no appeal or revision proceedings are pending before such and (b) all proceedings before Revenue Officers, notwithstanding that they were instituted or commenced or arose out of proceedings instituted or commenced before the coming into force of this Code. In this Chapter, unless the context otherwise requires, expression "order" means the formal expression of the decision given by the Board or a Revenue Officer in respect of any matter in exercise of its/his powers under this Code or any other enactment for the time being in force, as the case may be.

CHAPTER V] LAND AND LAND REVENUE

1.] All lands belong to the State Government and it is hereby declared that all such land, including standing and flowing water, mines, quarries, minerals and forests reserved or not, and all rights in the sub-soil of any land are the property of the State Government. [Provided that nothing in this section shall, save as otherwise provided in this Code, be deemed to affect any rights of any person subsisting at the coming into force of this Code in any such property.]

1959 247
Stay or execution of order. Application of Limitation Act. Pending revision. Application of chapter. Construction of. State ownership in an 2. B. Now see the Limitation Act. s' 36 of 1963). subs. by M. P. Act of 1974, S. by M. P. Act of 1979, S

2. THE MADHYA PRADESH **the ! Sub-divisional institutions a civil suit one year after 19 LAND**
Clith.CODE. **the validly Court of first instance and any person dispute shall be decided by a sub-set**
Lion (2) the within a period of Civil Procedure, suit instituted before (Title) provided the pe
ill in Q. clause the of 163; On 1883, by the order of the High Court of Allahabad, the aggrieved
party: (6) of section 4, function disturbed 2, 10th October, 1983 for or, after of R. C. -e. The Department
Notification NO. -2-83. 4th 1984 such order shall abate under appeal and the liability to pay; and
Tand revenue. Certain land be exempt from payment of land revenue revision. except land as has been
p. c. r time being in, first [the, r. Explanation 1. r. or contract r. l. c. e. n (Ka t. terr! includes all
quiescent or any (c) land by revenue payable per annum in the State, the State Govern- shall not include by v
or more persons in re» Arca' by of Madhya the Department s No. 1.70-VII-N-2-83, dated the 5th January { n of
paragraph the Governor of Madhya Pradesh par. c. I. r. e (or. s. u. t. i. o. r. of 1 -e S' th Janna.—v 298* ' Madhya
Pradesh Explanation 11.— For the purpose of clause (b) of Explanation 1 'Centire land held by a person in
the State" shall mean— (a) the entire land held by a person is the, State individually and shall include— (i)
where land is held by such person jointly with one or more persons, so much portion of the land as falls to
his share; and land held by such person as Bhoodan holder under the Ma- dhya Pradesh Bhoodan Yagna
Act, 1968 (28 of 1968); and (b) where land is held by a person jointly with one or more persons, the single
holding so jointly held] 59. (1) The assessment of land revenue on any land [shall be made] with reference
to the use of land— (a) for the purpose of agriculture; (b) as sites for dwelling houses; (c) for purposes
other than those specified in items (a), (b) or (d) ; (d) for industrial or commercial purpose. (2) Where land
assessed for use for any One purpose is diverted to any other purpose, the land revenue payable upon such
land shall, notwithstanding that the term for which the assessment may have been fixed has not expired,
be liable to be altered and assessed in accordance with the purpose which it has been diverted. E (2-a) The
alteration or assessment referred to in sub-section (2) shall be carried out by the Officer.] (3) Where the

land held free from the payment of land revenue. on condition of being used for any purpose is diverted to any other purpose it shall become liable to the payment of land revenue and assessed in accordance with the purpose to which has been diverted. (4) The assessment made under sub-sections (2) and (3) shall be in accordance with the rules made by the State Government in this behalf and such rules shall be in accordance with the principles contained in Chapter VII or V 111. as the case may be. (5) Where land for use for any one purpose is diverted to any other purpose, and land revenue is assessed thereon under the provisions of this section, the Collector shall also have power to impose a premium on the diversion in accordance with rules made under this Code: Provided that no premium shall be imposed for the diversion of any land for charitable purposes. (6) Notwithstanding any law, the right of all persons holding land, which immediately before the coming into force of the Madhya Pradesh Land Revenue Code, 1954 (11 Of 1955), was held in malik, makbuza right, to exemption from payment of premium on diversion of such land is hereby abolished; but every such person shall, on diversion of such land, be entitled in lieu of such right to a rebate equal to the land revenue for one year payable for such land from the amount of premium determined under sub-section (5).

THE MADHYA PRADESH LAND REVENUE CODE, 1959 2. Variation of land revenue according to purpose which it is used. 3. substituted. by M. P. Act 25 of 1964. S. 4 (i), for "shall be made. or shall be deemed to have been made as the case may be" by S. 4 (ii). ibid. by M. P. Act 24. of 1961 for "Collector". 250 THE MADHYA PRADESH LAND REVENUE CODE, 1959 Assessment when to take effect. Reassessment on diversion of land prior to coming into force by whom to fixed. of this Chapter to lands in non-urban areas. Appointment of Settlement Commissioner Appointment of Additional Settlement Officer and duties. Appointment of Settlement Deputy Settlement Assistant [59-A. The alteration or assessment made under the provision of section 59 shall take effect from the date on which the diversion was made

598. When prior coming in to force of this Code in any area assessed and or, the purpose, was subsequent, diverted for any other purpose, the land payable upon land survey, notwithstanding that the term for which the assessment may have been fixed has not expired, be liable to be altered and assessed—

(1) in accordance with the purpose to which it has been diverted effect from— (a) the date on which such diversion was made if in the area concerned there was in force any enactment repealed under which contained provision for alteration or section 26k reassessment; (b) the date of coming into force of this Code in any other case; and (2) in case of (a) above in accordance with the provisions of such repealed Act, and in the case of (b) above in accordance with the provisions of this Code.] 60. On all lands on which the assessment has not been made the assessment of land revenue shall be made by the Collector in accordance with rules made under this Code. [CHAPTER Revenue Survey and Settlement in Non-Urban Areas A-., Application Chapter and Officers to conduct Revenue Survey and for Settlement

61. The provisions of this Chapter shall apply in respect of lands in non-urban areas. State Government may appoint a Settlement Officer 62. The Government of the State who shall, of the revenue survey and/or settlement (1) •j The State Government may 63. Settlement Commissioner, (2) an Additional Settlement Officer shall exercise and discharge such duties conferred or imposed on a Settlement Commissioner by this Code or by any other law in force or any rule made under this Code or such other cases, of cases, as the Settlement Officer while exercising such powers shall discharge. The Additional Settlement Commissioner shall be deemed to have appointed as a Settlement Officer for purposes of this Code or any other enactment or any rule made under this Code or such other 64. (1) The State Government may hereinafter appoint 3 officers called the Settlement Officer to be in (1) the revenue survey and (2) Settlement and as many Deputy Settlement Officers and Assistant Settlement Officers as it thinks fit. All Settlement, Deputy Settlement and Assistant Settlement Officers shall be subordinate to the Settlement Commissioner and all Deputy Settlement and Assistant Settlement Officers in a local area shall be subordinate to the Settlement Officers. 1. Ins. by P. 1975, S.2. THE MADHYA PRADESH LAND REVENUE CODE, (1)

The State Government may invest any Settlement Officer or 65. Deputy Settlement Officer or Assistant Settlement Officer all or any of the powers of a Collector under this Code, to be exercised by him in such cases or classes of cases as the State Government may direct. Deputy Settlement (2) "The State Government may invest or any of the powers of a Officer or Assistant Settlement Officer with Settlement under this (1) and any other enactment for the time being in force— Revenue Survey 66. The operations carried out in accordance with the provisions of part, that is to say— (1) all or any of the operations pertaining to the division of into survey numbers and grouping them into villages, recognition reconstitution thereof or

forming of existing survey numbers, new survey numbers and operations incidental thereto; (2) soil classification; (3) preparation or, as the case may be, revision or correction of field map; (4) preparation of record of rights, in order to bring the land records upto-date in any local area are called a revenue survey. Whenever the State Government decides that a revenue survey should be made of any local area, it shall publish a notification to that effect, and such local area shall be held to be under such survey from the date of such and the said notification ceasing, the operations to be closed. (2) Such notification may extend all lands generally in the local area or to such lands only as State Government may direct

68. Subject to made. under this Code, the Settlement Officer may— take measurements of the land to which the revenue survey extends and such number of survey marks thereon as may be required; (2) Power of Settlement, Deputy Settlement and Assistant Settlement Officer to divide or unite villages or to alter the limits of a village; (3) Division of survey numbers into sub-divisions and the apportionment of the assessment of the survey number amongst the sub-divisions shall be carried out in accordance with rules made under this Code and such rules may provide limits either of area or of land revenue or both, below which no sub-division shall be recognised: Provided that the total amount of assessment of any survey number shall not be enhanced during the term of a settlement unless such assessment is liable to alteration under the provisions of this Code. (3) Where a holding consists of several khasra numbers the Settlement Officer shall assess the land revenue payable for each khasra number and record them as separate survey numbers. (4) Whenever the survey numbers are renumbered, the Settlement Officer shall correct the entries in all records prepared or maintained under Chapter TX. 71 • The area and assessment of survey numbers and sub-divisions of survey numbers shall be entered in such records as may be prescribed

72. The Settlement Officer shall, in the case of every inhabited village, ascertain and determine, with due regard to rights in lands, the area to be reserved for the residence of the inhabitants or for purposes ancillary thereto, and such area shall be deemed to be the abadi of the village

73. The Settlement Officer may divide a village to constitute two or more villages or may amalgamate two or more villages and constitute one village or may alter the limits of a village by including therein any area of a village in the vicinity thereof or by excluding any area comprised therein, in accordance with the rules made under this Code

74. The villages of each district or tahsil or part of a district or tahsil comprised in the area under revenue survey shall be formed into groups, and informing such group regard shall be had to physical features, agricultural and economic conditions and trade facilities and communications. (2) The result of the Operations carried out in accordance with this part in continuation of revenue survey in order to determine or revise the land revenue payable on lands in any local area are called "settlement" and the period during which the revised land revenue shall be in force is called the term of Settlement

76. On issue of a notification declaring the operations of revenue survey to be closed under sub-section (1) of section 67, the State Government, if it decides that Settlement operations should be undertaken in the local area in which revenue survey is closed, shall publish a notification to that effect and such area shall be held to be under Settlement from the date of such notification until the

announcement of Settlement under section 82 in respect of a land in the local area is complete: Provided that if the notification is issued after expiration of a period of five years from the date of issue Of notification declaring, the operations of revenue survey to be closed under sub-section (1) of section 67, record of rights shall be prepared under section 108 before the Settlement operations are undertaken in accordance with the provisions contained in this (1) On completing the necessary inquiries, as may be prescribed, 77. the Settlement Officer shall forward to the State Government his proposals for rates for classes of land in such form and along with such other particulars as may be prescribed. THE MADHYA PRADESH LAND REVENUE CODE. 1959 (2) The State Government may approve the assessment rates with such modifications as it may deem fit. 78 The maximum and minimum limits for the assessment rate- shall respectively be one and quarter times and three-fourth of the assessment rate in force for the time being: provided that in the event it is considered desirable to alter the minimum or maximum limits, aforesaid, a proposal to that effect shall be laid on the table of the Legislative Assembly for its approval and the limits of assessment rate shall thereafter be altered in accordance with the proposals as approved

79. The Settlement Officer shall fix the assessment on each holding in accordance with the assessment rates approved under section 77 and the provisions of the section 81 and such assessment shall be the fair assessment of such holding

80. The Settlement Officer shall have the Power to make fair assessment on all lands what-so-ever to which the Settlement extends, whether such lands are liable to the payment of land revenue or not.

(1) The fair assessment of all lands shall be calculated in accordance with the principles and restrictions set forth in the section. (2) No regard shall be had to any claim to hold land on privileged terms. (3) Regard shall be had in the case Of agricultural land to the profits of agriculture, to the consideration paid for leases' to the sale prices of land and to the principal moneys on mortgages, and in the case of non-agricultural land, to the value of the land for the purpose for which it is held, (4) The fair assessment on land used for purposes shall not exceed thirty-three per centum of the estimated rental value of the land. (5) Where an improvement has been effected at any time in any holding held for the purpose of agriculture by or at the expense of the holder thereof, the fair assessment of such holding shall be fixed as if the improvement had not been made. (6) Except for special reasons to be approved in each case by the State Government. no increase in the fair assessment of a holding for the purpose Of agriculture shall exceed fifty per centum of the existing assessment 82• (1) When [the assessment of any land has been fixed in accordance with section 79 notice. thereof shall be given in accordance with rules made under this Code. and such notice shall be. called the announcement of the settlement. (2) The assessment of any land, as announced under this section, shall be, to be land revenue payable annually on such land during the term of the settlement unless it is modified in accordance with the provisions of Code, or any other law

83. The term Of a settlement shall commence from the beginning of the revenue year next following

the date of announcement or from the expiry of the previous term of settlement. whichever is later. 84. (1) During the first year of the term of settlement any person, who is dissatisfied with the new assessment shall, on relinquishing his rights in his holding in the manner prescribed by section 173 may one month before the commencement of the agricultural year, receive a remission of increase imposed thereby : 253 Maximum and minimum limit' for the rate of assessment. Fixation of fair assessment. All lands liable to assessment. Principles of assessment. Announcement of Settlement. of Settlement. Remission of enhancement to persons who relinquish. 254 Term of THE MADHYA PRADESH LAND REVENUE CODE, 1959 Provided that the relinquishment of only part of a holding or of a holding, which, or any part of which, is subject to an encumbrance or a charge shall not be permitted, 85. (1) The term of settlement shall be fixed by the State and shall not be less than thirty years : Provided that if, at any time during the currency of the settlement, the State Government finds that having regard to the changes in general conditions subsequent to the settlement, it is desirable that the assessment should be reduced, it may reduce such assessment for such period as it may deem fit. (2) Notwithstanding anything contained in sub-section (1) any area where there is ample scope for extension of cultivation or for agricultural development or where the pitch of rents is unduly low or where there has been a rapid development of resources owing to the construction of roads, railways or canals since the last settlement, the State Government may, for reasons to be recorded, fix a term which may be less than thirty years but which shall in no case be less than twenty years. (3) Notwithstanding that the term of settlement fixed under sub-section (1) or sub-section (2)

for any local area has expired: the term shall be deemed to have been extended till the commencement of the term of the subsequent settlement in that area

86. Where the settlement operations are closed all applications and Power of Collector to complete unfinished proceedings. Inquiry into profits of agriculture and value of land. Power to make, transfer - duty maintaining maps and to Settlement Officer. proceedings then pending before the Settlement Officer shall be transferred to the Collector who shall have the powers of a Settlement Officer for their disposal.—General

87. [J] With effect from the coming into force of this Code the State Government may take steps to institute and may cause to be constantly maintained, in accordance with rules made under this Code, an inquiry into the profits of agriculture and into the value of land used for agricultural and non-agricultural purposes (2) For the purpose of determining the profits of agriculture, the following elements shall be taken into account in estimating the cost of cultivation, (a) the depreciation of stock and buildings; (b) the money equivalent to the cultivator's and his family's labour and; supervision. (c) all other expenses usually incurred in cultivation on the land which is under inquiry; and (d) interest on the cost of buildings and stock and on expenditure for seed and manure, and on cost of agricultural operations paid for in cash. (3) The Settlement Officer shall take into consideration the loss in the course of this inquiry, when framing his proposals for assessment rates. 8B. When a local area is under revenue survey, the duty of maintaining the maps and 'records' may, under the orders of the State Government, be transferred from Collector, to the Settlement Officer, who shall thereupon exercise all the powers conferred on the Collector in any of the provisions in Chapter IX and XVIII. Sub-Divisional Officer may, at any time after the closure Power Of Sub-Divisional Office To correct errors, of the revenue survey and '[during the term of settlement, correct any error in the area or assessment of any survey number or holding due to mistake of survey or arithmetical miscalculation : THE MADHYA PRADESH LAND REVENUE CODE. that no arrears of land revenue shall become payable by reason Of such correction

90. After the closure of the revenue survey and. during the term of a settlement, the Collector, shall* when so directed by the State Government, exercise the powers of a Settlement Officer under sections 68, 69, 70, 72 and 73. 91. -The State Government may, - after the closure of the revenue survey and during the term of settlement, invest any Revenue Officer with all or any of the powers of the Settlement Officer under this Chapter, within such area and subject to such restrictions and for such period as, it may think fit. 91-4. 'i' "he State Government may make rules for regulating generally the conduct of a revenue survey or Settlement under this Chapter.]L Assessment And Re-assessment Of In Urban Areas 92. (1) The provisions of this Chapter shall apply to land held in urban area, whether for agricultural or non-agricultural purposes— (i) by a Bhumiswami, (2) by a Government lessee under a lease granting a right of renewal, and (3) by a holder of service land. (2) Whenever the revenue or rent assessed a plot-number falls due for revision the Collector shall assess the plot in accordance with the provisions of this Chapter. Explanation.- For the purposes of this section, the land revenue or rent payable for a plot shall be deemed due for revision— 1959 255 93. 94. if the plot is held on a lease when the lease becomes due for renewal; and (ii) in the case of a plot held by a Bhumiswami on the expiry of the original term of it. Subject to rules made under this Code, the Collector may-- (a) divide the lands in an urban area into plot numbers, and (b) recognise existing survey numbers as plot numbers, reconstitute plot numbers or form new plot numbers. (i) The Collector may. then renumber or sub-divide plot numbers into as many sub-divisions as may be required in view of the acquisition of rights in land or for any other reason. (2) The division of plot into sub-divisions and the proportionment of the assessment the plot, number amongst, the sub-divisions shall be carried out in, accordance with rules made under this Code and such rules may provide limits either of area or of land revenue as: may in a local area, which no sub-division shall be recognised: Provided that the total amount of assessment of any plot number shall not be enhanced during the term unless such assessment is liable to alteration under the provisions of this Code. 95. number B. Subs. The area and assessment of plot numbers sub-division of plot shall be entered in such records as: may be prescribed. by M. P. Act 16 of '983, S.2. Power of Collector during term of Settlement, etc. Power to grant power of Settlement Officer during term of Settlement. Power to make rule. Provisions of Chapter to apply to land urban areas. Powers of Collector to divide lands into plot numbers. Powers of Collector to re or Sub-divide plot numbers. Area and assessment plot numbers and sub-divisions to be entered in records. 266 THE Area in town formed into block for assessment. Collector to standardise of assessment and publication of standard rates. Fixation of standard rates Maximum and minimum limits for the rate of assessment. Collector to assess plot at rate prescribed. MADHYA PRADESH LAND REVENUE CODE, 1959 96. For the purposes of assessment, the area in a town shall be formed into blocks and in

forming such blocks regard shall be had to use of land not industrial, commercial, residential or such other special purposes as may be prescribed, 97. (1) The Collector shall with the approval Of the State Government, fix in accordance with the provisions of section 98 the standard rate Of assessment per one hundred square feet of land in the case of non-agricultural land and per acre of land in the case of agricultural land in each block in an urban area and such standard rates shall be published in such manner as may be prescribed. (2) The rates published under remain in force for ten years and shall thereafter be deemed to be in force until altered. The Collector shall keep record in accordance with the rules made under this Code of all registered sales and leases of lands in the different blocks in urban areas in respect of land held for each of the purposes mentioned in sub-section (1) of section 59. The average annual letting value of lands in each block in (2) respect of held purposes mentioned in sub-section 59 (1) Of section shall be determined separately in the manner on the basis of sales and leases in respect of the land held each of the said purposes in such the period of five years immediately preceding the year in which the letting value is being determined, so far as the information about such transactions is available. Provided that if the transactions which have taken place in any block in respect of any land held for any of the aforesaid purpose are not sufficiently representative, transactions in respect Of the land held for the corresponding purpose during the same period in adjacent block may be taken as basis for determining the letting value. (3) The standard rate of assessment for lands held for purposes mentioned in clause (b) or (c) of sub-section (1) of section 59 shall be equal to one-third the average annual letting value determined for the block in respect of such land under sub-section (2) and for purposes mentioned in clause (b) of sub-section (1) of section 59 shall be one half of the average annual letting value for the block in respect of such land. (4) The standard rates for lands held agricultural purposes shall be fixed with due regard to soil and position of land and to the profits of agriculture, to the consideration paid for leases and to the sale prices of such lands- 99. The maximum and minimum limit for the rate of assessment shall respectively be one and quarter times and three-fourths of the standard rate in force for the time being.

100. The Collector shall assess the plot at a rate within the limits prescribed by section 99 regard being had to the use, situation and the other advantages or disadvantages attaching to such plot. Provided that if, in the case Of lands which are being assessed for a purpose with reference to which they were assessed immediately before the revision, the assessment so arrived at exceeds, in the case of agricultural land one and a half times the land revenue or rent and in the case of other lands six times the land revenue or rent payable immediately before the revision the assessment shall be fixed at one and a half times such land revenue or rent in the case of agricultural land and at six times such land revenue or rent in the case of other - lands. Provided further, that where an improvement has been effected at any time in any holding held for the purpose of agriculture by or at the expense of the holder thereof, the assessment of such holding shall be fixed as if the improvement had not been made. 1. substituted by M. P. Act 15 of 1975. S.3. THE MADHYA PRADESH LAND CODE 101. The assessment fixed under section 100 shall remain in force for a period of thirty years or for such longer period as may elapse before re-assessment after that period and such period shall be deemed to be the term of settlement for all purposes

102. The assessment fixed under section 100 shall be the land revenue or rent payable annually on such plot number unless it is modified in accordance with the provisions of this Code or any other law

103. The land revenue or rent fixed for any land in an urban area under a settlement or a lease from Government with rights of renewal made before the coming into force of this Code shall, notwithstanding the expiry of the term of such settlement or lease, continue in force until the land is in accordance with the provisions of this Chapter. CHAPTER IX Land Records 104. (1) The Collector shall from time to time arrange the villages of the tahsil in patwari circles and may, at any time, alter the limits of any existing circle and may create new circles or abolish existing ones. (2) [The Collector] shall appoint one or more patwaris to each patwari circle for the maintenance and correction of land records and for such other duties as the State Government may prescribe. (3) Notwithstanding any usage or anything contained in any treaty, grant, or other instrument, no person shall have any right or claim to continue or to be appointed as a patwari on the ground of right to succeed to such office by inheritance

105. The Collector shall arrange the patwari circles in the tahsil into revenue inspectors' circles and may, at any time, alter the limits of any circle and may create new circles or abolish existing circles. 106. (1) The Collector may appoint in each district as many persons as he thinks fit to be revenue

21 / 84

any title to or any charge on land used for agricultural purposes, or in respect of which a field book has been prepared, is registered under the Indian Registration Act, 1908 (XVI of 1908), the Registering Officer shall send intimation to the Tahsildar having jurisdiction over the area in which the land is situated in such form and at such times as may be prescribed by or under this Code.] 2 1 13. "The [Sub-Divisional Officer] may at any time, correct or cause to be corrected any clerical errors and any errors which the parties interested admit to have been made in the record-of-rights. [114. In addition to the map and Bhoo Adhikar Pustikas, there shall be prepared for each village a khasra or field book and such other land records as may be prescribed.] 14-A. (1) It shall be obligatory upon every Bhumiswami, whose name is entered into the khasra or field book prepared under section 114, to maintain a Bhoo Adhikar Avam Rin Pustika in respect of his all holdings in a village which shall be provided to him on payment of such fee as may be prescribed. (2) The Bhoo Adhikar Avam Rin Pustika shall be in two parts, namely:—Part I Consisting of rights over holding and Part II consisting of rights over holding. recovery of land revenue in respect of the holding and encumbrances on the holding 2 and shall contain (i) such of the entries of khasra book pertaining to a holding of a Bhumiswami as may be prescribed: (ii) particulars in respect of recovery of land revenue. (iii) Government loan and non-Government loan in respect of such holding; such other particulars as may be prescribed. (3) In case of any difference between the entries contained in the khasra or field book and the Bhoo Adhikar Avam Rin Pustika, the Tahsildar may, either on his own motion or on an application made to him in that behalf and after making enquiry as he may deem fit, decide the matter and the decision of the Tahsildar shall be final. Y 1959 259 Intimation Of acquisition of : • right in' Field Book and other relevant land Jurisdiction of Civil Courts Intimation of transfer by Registering Officers. Correction of clerical errors Land records . Bhoo Adhikar Avam Rin Pustika. Sub'. Subs. Subs. M. P, Act 25 1964, S. 7. S. 8. ibid. S. ibid, for "Tahsildar" P. 11 of 1974, S.2. 26T of wrong and any records by regarding in khasra or in any other record as to records. QNWion to furnish information as due. for neglect furnish Information. Revision of in preparation of Ewer to make new records. Exemption from this chapter. Record-of-rights at a statement 01 Code. MADHYA PRADESH LAND REVENUE CODE, 1959 If any Tahsildar finds that a wrong or incorrect entry has been made in the land records prepared under section 14 by an officer subordinate to him, he shall direct necessary changes to be made therein in red ink after making such enquiry from the person concerned as he may deem fit after due written notice. 116. (1) If any person is aggrieved by an entry made in the land records prepared under section 114 in respect of matters other than those referred to in section 108, he shall apply to the Tahsildar for its correction within one year of the date of such entry. (2) The Tahsildar shall, after making such enquiry as he may deem fit, pass necessary orders in the matter.] 11 7 . All entries made under this Chapter in the land records shall be presumed to be correct until the contrary is proved. 118. (1) Any person, whose rights, interest or liabilities are required to be or have been, entered in any record or register under this Chapter, shall be bound on the requisition of Revenue Officer, revenue inspector or patwari engaged in compiling or revising the record or register to furnish or produce for his inspection, within one month from the date of such requisition, all such information or documents needed for the correct compilation or revision thereof as may be within his knowledge or in his possession or power. (2) The Revenue Officer, revenue inspector or patwari to whom any information is furnished, or before whom any document is produced under sub-section (1) shall at once give a written acknowledgment thereof to the person furnishing or producing the same and shall endorse on any such document a note under his signature stating the fact of its production and the date thereof. 1 19 (1) Any person neglecting to make the report required by section 109, or furnish the information or produce the documents required by section 1 18, within the specified period shall be liable, at the discretion of the, [Tahsildar], to pay a fine not exceeding twenty-five rupees, which shall be recoverable as an arrear of land revenue. (2) Any report regarding the acquisition of any right [under section 109] received by the patwari after the specified period shall be dealt with in accordance with the provisions of section 1108 x x 120. Subject to rules made under this Code, any Revenue Officer, revenue inspector, measurer or patwari may, for the purpose of preparing or revising any map or plan required for or in connection with any record or register under this Chapter, call upon any holder of land and any holder of plot to point out the boundaries of his land or plot

121. The State Government may make rules for regulating the preparation, maintenance and revision of land records required for the purposes of this Code

122. The State Government may, by notification, direct that this Chapter or any provisions thereof shan not apply to any specified local area or to any I ands or any class of villages or lands.(1) Until a record-of-rights for the villages in the Madhya Pradesh and Sironj regions is prepared accordance 2. 3

4. Ins. by M. P. Act of 1961, S. 3. Subs. by M. P. Act 24 of 1961, S. 6, for "Collector". Su&. by M. P. Act 25 of 1964, S. 12 for "of the kind to in section 108." Proviso omitted by S. 22(b), ibid. THE MADHYA PRADESH LAND REVENUE CODE, 1959 with the provisions of section 108 the jamabandi or khatauni of every such village for the agricultural year as the State Government may notify shall, so far as it contains the particulars specified in section 108. be deemed to be the record. Of-rights, for that village. (2) The jamabandi or khatauni referred to in subsection (1) shall be published in the village in manner as may be directed by the Collector. [(3) Objections may be filed to any entry in Jamabandi or khatauni which shall be disposed of by the Tahsildar in such manner as may be prescribed.] (4) The, Jamabandi of the villages in the Mahakoshal region for the agricultural year [1954-55] shall continue to be deemed to be record-of-rights of such villages until a record-of-rights is prepared in accordance with the provisions of section 108

CHAPTER X Bonparies and Boundary Marks, Survey Marks 124. (1) Boundaries of all villages shall be, fixed and demarcated by permanent boundary marks. (2) The State Government may, in respect of any village by notification, order that the boundaries of all survey numbers or plot numbers shall also be fixed and demarcated by boundary marks. (3) Such boundary marks shall, subject to the provisions hereinafter contained, be of such specification and shall be constructed and maintained in such manner as may be prescribed. Where the 1 Liles prescribed boundary marks of a specification different from that prevailing in any village, the new specification shall not be enforced in such village except upon application to a [Tahsildar] made by not less than half the number of holders of land in the village, When such application is made, the [Tahsildar] shall have new boundary marks constructed throughout the village and shall distribute the cost thereof proportionately among the holders of land in the village accordance with rules made under this Code. share of each holder shall be recoverable as an arrear of land revenue. (5) Every holder of land shall be responsible for the maintenance and repair of the permanent boundary and survey marks erected thereon

125. All disputes regarding boundaries of villages, survey numbers and plot numbers where such boundaries have been fixed under the provisions of section 124, shall be decided by the [Tahsildar] after local inquiry at which all persons interested shall have an opportunity of appearing and producing evidence. 126. (1) When a boundary has been fixed under the provisions of section 124, the Tahsildar may summarily eject any person who is wrongfully in possession of any land which has been found not to appertain to his holding or to the holding of any person through or under whom he claims. (2) Where any person has been ejected from any land under the provisions of sub-section (1), he may, within the period of one year from the date of the ejectment, institute a civil suit to establish his title thereto : Provided that the Tahsildar, or any Revenue Officer as such, shall not be made a party to such suit. (3) The Tahsildar may at any time make an order for re-distribution of land revenue which, in his opinion, should be made as a result of the decree Subs. M. P. Act 25 of 1964, S. 3

2. Subs, by M.P. Act of 1961, S 8, "1953-54." 3. Suk* by S. 7. ibid, for "Revenue officer"

4. Sukh by, ibid, S.6. for "Collector". Construction of boundary marks of villages and survey numbers or plot numbers. Disputes regarding boundaries between villages, survey numbers and plot numbers. Ejectment of persons wrongfully in possession 26 THE MADHYA PRADESH LAND REVENUE CODE, 1959 in a civil suit instituted under sub-section (2), and such shall take effect from the beginning of the revenue year following the date of the order. Demarcation and maintenance of boundary lines. Enforcement of repair of boundary or survey marks. Demarcation of boundaries or 127. (1) Every holder of the land adjoining a village road, village waste or land reserved for communal purposes, shall at his own cost and in the manner prescribed (a) demarcate the boundary between his land and village road, village waste or land reserved for communal purposes adjoining it by boundary marks: and (b) repair - and renew such boundary marks from time to time. (2) If the holder fails to demarcate the boundary or to repair or renew the boundary marks as required by sub-section (1) the Tahsildar may, after (1), such notice as he deems the boundary to be demarcated or the boundary marks to be repaired and recover the cost incurred

as an arrear of land revenue, (3) In the event of any dispute regarding the demarcation of the boundary or the maintenance of the boundary marks in proper state of repair, the matter shall be decided by the Collector whose decision shall be final. Explanation.--- Village road for the purposes of this section means a boundary indicative survey number or sub-division road which. (1) After the end of November in each year, the patel of the village shall give written notice to the holder on whose land the boundary or survey marks are defective calling him to put them into proper repair before the first day of March following. (2) After the first day of March in any year, the Tahsildar or any other Revenue Officer empowered to act may cause any defective boundary or survey marks to be properly repaired and shall recover the cost of such repair from the holder or holders responsible for the maintenance of such boundary or survey marks, together with a penalty which shall not exceed one rupee for every boundary recoverable as an arrear mark so repaired, Such cost and penalty shall be of land revenue. 129. Any Other Revenue Officer empowered by the Tahsildar or on the application of a party interested, demarcate the survey number or sub-division or to act may put for destruction, injury or removal of boundary or survey marks. or of a number boundaries of a survey number or of a sub-division and construct marks there. D.O. (2) The State Government may make rules for regulating the procedure to be followed by the Tahsildar or any Other Revenue Officer empowered to act in demarcating the boundaries of survey number or of a sub-division or of a plot number prescribing the nature of the boundary marks to be used, and authorising the levy of fees from holders of land in a demarcated survey number or sub-division or plot number

130. If any person wilfully destroys or injures. or with (without) lawful authority a boundary or survey mark lawfully constructed, he may be ordered to remove the same by the Tahsildar or any other Revenue officer empowered to act and to pay such fine, not exceeding fifty rupees for each mark so destroyed, or removed, as may, in the opinion of the Tahsildar or any other Revenue officer empowered to act be necessary to defray the expense of restoring the same and of rewarding the informant. In the event of a dispute arising as to the route by which a Right of way and private cultivator shall have access to his fields or to the waste or pasture lands of the village, than by the recognised roads, paths or common land, including prepared under section 130, the road and paths in the village. Or as to the source from or course by which he may avail himself of water. THE MADHYA PRADESH LAND REVENUE CODE, a Tahsildar may, after local enquiry, decide the matter with reference to the previous custom in each case and with due regard to the conveniences of all the concerned parties. (2) No order passed under this section shall debar any person from Rights of easement as he may claim by a civil suit. establishing such [132, Any person who encroaches upon, or obstructs any obstruction to the use of a recognised road, path or common land of a village including village roads and paths recorded in the village Wajib-ul-urz or Muzho disobeys the decision of a Tahsildar passed under section 131, shall be liable, under a written order of a Tahsildar stating the facts and circumstances of case, to a penalty which may extend to one thousand rupees.) (3) If a Tahsildar finds that any obstacle impedes the free use of a recognised road, path or common land of a village or impedes the road or water course or source of water which has been the subject of a decision under section 131, he may order the person responsible for it, and, if such person fails to comply with the order, may cause the obstacle to be removed and may recover from such person the cost of removal thereof

134. Any person who encroaches upon or causes any obstruction under 131. 132 or 133 may be required by the Tahsildar to execute a personal bond for such sum not exceeding five hundred rupees, as he may deem fit, for abstaining from repetition of such act. Of the villagers or other persons, the application of section 135. (1) If, it is expedient to acquire any land for the purpose of providing a road not exceeding ten feet in width cart track or path the use of the village community in such village may call upon the residents of the village to deposit the cost of compensation payable in respect of such land under sub-section (3) within a specified period. On such deposit being made the Collector may, by order published in the prescribed manner, acquire such land and upon the making of such order, such land shall vest absolutely in the State Government. (2) Any person claiming any interest in any such land may within period of one year from the date of vesting under sub-section (1) make an application to the Collector for compensation in respect of his interest. (3) The payable in respect of such land shall be fifteen times the revenue assessed or assessable thereon. The State Government may, by notification, declare that any of 136. or all of the provisions of this Chapter shall not apply to any village or class of villages

CHAPTER X1 Realisation of Land Revenue 137. The land revenue assessed on any land shall be first charge on that land and on the rents and profits thereon. The following person shall be primarily liable for the payment of the land revenue first charge on land. Responsibility for payment of land revenue of the land revenue assessed on a holding- in a Bhumiswami's holding the Bhumiswami ; in a holding consisting of land acquired by the Government the lessee thereof. 15 of 1959, S

7. State Subs _ by _ . Section 264 THE MADHYA PRADESH LAND REVENUE CODE, 1959 (2) When there are more than one Bhumiswami or lessee in a holding, all such Bhumiswamis or lessees, as the case may be, shall be jointly and severally liable to the payment of the land revenue assessed on such holding

139. In case of default by any person who is primarily liable under Land revenue recoverable from any person, in on which land revenue is due and is payable. Definitions of default. 'Arrear' and 'Patel, Patwari, Gram Sabha or Gram Panchayat bound to give receipt. Penalty for default of payment of land revenue Remission or suspension of land revenue on failure of act. V. section 138, the land revenue, including arrears, shall be recoverable from any person in possession of the land Provided that such person shall be entitled to credit for the amount recovered from him in account with the person who is primarily liable. 140. (1) The land revenue payable on account of a revenue ear shall fall due on the first day of that year. (2) The State Government may make rules providing for the payment of land revenue in instalments and on dates (hereinafter referred to as prescribed dates) subsequent to the first day of the revenue year, and such rules may prescribe the persons to whom and the places where at such instalments shall be paid. (3) The payment of land revenue to the person prescribed under sub-section (2) may be made in cash or may, at the cost of the remitter, be remitted by money order. (4) Any period elapsing between the first day of the revenue year and any date fixed for the payment of land revenue. by such rules shall be deemed to be a period of grace, and shall not affect the provisions of sub-section (1)

141. Any land revenue due and not paid on or before the prescribed date becomes therefrom an arrear, and the persons responsible for it, whether under the provisions of section 138 or section 139 become defaulters. (1) Where a Patel, Patwari, Gram Sabha or Gram Panchayat receives a payment from any person on account of land revenue or on account of any sum of money recoverable as an arrear of land revenue he/she shall grant a receipt for such sum in the prescribed form. (2) If any Patel, Patwari, Gram Sabha or Gram Panchayat fails to give a receipt as required by sub-section (1) such Patel, Patwari or in the case of Gram Sabha or Gram Panchayat the persons responsible for passing such receipt on behalf of such Gram Sabha or Gram Panchayat, as the case may be, shall, on application of the payer, be liable by an order of the Tahsildar to pay a penalty not exceeding double the amount paid. If any instalment of land revenue or any part thereof is not paid 143, within one month after the prescribed date the Sub-divisional Officer may in the case of a wilful defaulter, impose penalty not exceeding ten per cent of the amount not so paid. Provided that no such penalty shall be imposed for the entire of any instalment, the payment of which has been suspended by the order of Government, in respect of the period during which the payment remained suspended. 144. (1) The State Government may grant remission or suspension of land revenue in years in which crops have failed in any area or in which crops could not be grown in any area in consequence of any Order made under any law by a competent authority, and such remission or suspension shall be determined in accordance with rules made under this Code. (2) No appeal or revision shall lie against any order passed by a Revenue Officer under such rules and no suit shall lie in a Civil Court to contest any such order. THE MADHYA PRADESH LAND REVENUE CODE, 145. (1) A statement of account, certified by the Collector or by the Tahsildar shall, for the purposes of this Chapter, be presumed to be correct statement of the arrears payable to Government or its amount, and of the person who is the defaulter, until the contrary is proved. (2) No notice to defaulter shall be necessary before drawing up the statement referred to in sub-section (1)

146. A Tahsildar or Naib-Tahsildar may cause a notice of demand to be served on any defaulter before the issue of any process under section 147 for the recovery of an arrear. 147 An arrear of land revenue payable to Government may be recovered by a Tahsildar by any one or more of the following processes (a) by attachment and sale of movable property; (b) by attachment and sale of the holding on which arrear is due and where such holding consists of more than one survey number or plot number by

sale of one or more of such survey numbers, or plot numbers as may be considered necessary to recover the arrears; 1959 265 which arrears are due [(bb) by attachment of holding on and letting the same under section 154-A; (bbb) by attachment of any other holding belonging to the defaulter which is used for the purposes of agriculture and letting the same under section 154-A;] (c) by attachment and sale of any other immovable property belonging to the defaulter : Provided that the processes specified in clauses (a) and (c) shall not permit the attachment and sale of the following, namely: (i) the necessary wearing apparel, cooking vessels, beds, and bedding of the defaulter, his wife and children, and such personal ornaments as, in accordance with the religious usage, cannot be parted with by any woman; tools of artisans and, if the defaulter is an agriculturist, except an implement his implements of husbandry, driven by mechanical power and such cattle and seed as may, in the opinion of the Tahsildar, be necessary to enable him to earn his livelihood as such ; (iii) articles set aside exclusively for the use of religious endowments; (iv) house and other buildings (with the materials and the sites thereof and the land immediately appurtenant thereto and necessary for the enjoyment) belonging to an agriculturist and occupied by him: [Provided further that the process specified in clause (b) shall not permit attachment and sale of holding where the defaulter holds,— (i) six hectares or less than six hectares of land in the Scheduled Area; or (ii) four hectares or less than four hectares of land in other area•• Explanation.— For the purpose of this proviso, "Scheduled Area" means any area declared to be Scheduled Area within the State Of Madhya Pradesh under paragraph 6 of the Fifth Schedule to the Constitution of India.] 148. The cost of serving a notice of demand under section 146 or of issuing and enforcing any process in section 147 shall be recoverable as part of the arrear in respect of which the notice was served or the process was issued. by M. P. Act of 1971, S. 2. YD' by M P Act. 9 to 1977, S

2. Certified account to be given as to arrear and Notice of demand. Process for recovery of arrear. recoverable as part of arrear. a 6.6 01 other districts. Payment under suit for recovery. THE processes protest and Application of proceeds of sale. and the arrears to be : recoverable title. Purchaser liable {Or land revenue due prior to sale. Powers of the Tahsildar let out the holding in respect of which arrear is due or any other holding (of the defaulter. MADHYA PRADESH LAND REVENUE CODE, 149. 'The processes specified in clauses (b) and (c) of section 147 may be enforced either in the district in which the default has been made or in any other district. If proceedings are taken under this Chapter against any person for the recovery of arrear of land revenue, he may, at any time before the property is knocked at a sale, pay the amount claimed and may, at the same time, deliver a protest signed by himself or by his authorised agent to the Revenue Officer taking such proceedings, and thereupon they shall be stayed. (2) Any of the provisions of sub-section (1) may, notwithstanding anything contained in section 145, apply to the Sub-Divisional Officer that nothing was due or that the amount due was less than the amount for the recovery of which proceedings were taken and the Sub-Divisional Officer shall decide the objection so raised. (3) No appeal lies against the order of the Sub-Divisional Officer passed under sub-section (2), but a person aggrieved may institute a civil suit for the recovery of the sum or part thereof paid under protest. -the proceeds of every sale under this Chapter shall be applied, 151. firstly, in satisfaction of the arrears on account of which the sale was held and of the expenses of such sale, secondly, to the payment of any arrears of cesses due by the defaulter under any law for the time being in force in the region concerned. Thirdly, to the payment of any other arrears; payable to the State Government by the defaulter. and fourthly to the payment of any arrears due by the defaulter to a Co-operative Society, and the surplus, if any, shall then and there be payable to him, where there are more defaulters according to their respective shares in the property sold Provided that the surplus shall not be paid to the defaulter or defaulters until after the expiry of two months from the date of the sale in the case of movable property or from the date of the confirmation of sale in the case of immovable property. of sale the proceeds (2) Notwithstanding in sub-section (1) be applied first to the payment of arrears under clause (c) of land revenue payable by the defaulter for the immovable property sold up to the date of the sale, and the surplus, if any, shall be applied in accordance with sub-section (1). (1) Unless the Collector on ordering the sale otherwise, 1-52 directs, purchaser shall be liable for arrears of land revenue in respect of grants thereof. shall acquire free of all encumbrances imposed on it: by any person other than the purchaser. and contracts made in respect of it. (2) Any transfer, grant or contract in respect of trees or the produce of trees which are or at any time have been the property of the Bhumiswami of the land in which they stand, shall be deemed to be a grant or contract made in respect of such land within the meaning of sub-section (1) 153.

Where immovable property is sold under the provisions of this Chapter and sale has become absolute, the property shall be deemed to have vested in the purchaser from the time when the property is sold and not from the time when the sale becomes absolute. 154. Notwithstanding anything in section 138, or section 139, the person named in the certificate of purchase shall not be liable for land revenue payable in respect of the land for any period previous to the date of the sale. [154] (1) Where the amount of land revenue is due in respect of a holding or where any money is recoverable in the same as an arrear of land revenue under section 155, the Tahsildar may, notwithstanding anything contained in this and, after attachment of the holding under (b) or clause (b) of the MADHYA PRADESH LAND REVENUE CODE, 1959 267 (bbb) of section 147, as the case may be, let out the holding on which arrear due or any other holding belonging to the defaulter which is used for the purpose of agriculture to any person other than the defaulter for a period not exceeding ten years commencing from the first day of agricultural year next following, upon such terms and conditions as the Collector may fix. (2) Nothing in this section shall affect the liability of any person who may be liable under this Code for the payment of the arrears of land revenue or of any money recoverable in the same manner as an arrear of land revenue under section 155. (3) Upon the expiry of the period of lease the holding shall be restored to the person concerned free of any claim on the part of the State Government or any other authority whatsoever for the arrears in respect of such holding or free of any claim or the part of the State Government or any other authority whatsoever for the arrears recoverable in the same manner as an arrear of land revenue under section 155 for the satisfaction whereof the same was let out under sub-section 155. The following moneys may be recovered, as far as may be, under the provisions of this Chapter in the same manner as an arrear of land revenue : (a) except such charges as are included in the land revenue under sub-section (2) of section 58, all rents, royalties, water rates, cesses, fees, charges, premia, penalties, fines and cost payable or leviable under this Code or any other enactment for the time being in force; (b) all moneys falling due to the State Government under any grant, lease or contract which provides that they shall be in the same manner as an arrear of land revenue; (c) all moneys guaranteed by the State Government to the extent of amount guaranteed under a contract of guarantee which provides that they shall be recoverable in the same manner as an arrear of land revenue; (d) all sums declared by this Code, or any other enactment for the time being in force to be recoverable in the same manner as an arrear of land revenue; and (e) any sum ordered by a liquidator appointed under any law relating to Co-operative Societies in force for the time being in any region of the State to be recovered as a contribution to the assets of the society or as the cost of liquidation : Provided that no action shall be taken on application for recovery of a sum specified in clause (d), unless such application is accompanied by a certificate signed by the Registrar appointed under such law that the sum should be recovered as an arrear of land revenue: (f) all moneys becoming payable to the Madhya Pradesh State Agro-industries Development Corporation Limited— (i) on account of penalty, cost of agricultural implements or other materials sold by the Corporation to agriculturists for the purpose of agriculture or improvement of land or otherwise, under any agreement of sale of such implements or materials by the said Corporation in repayment of any loan advanced by the said Corporation or of any amount due to the said Corporation under any lease, contract or agreement with or any other dealing of the said Corporation : Enacted by M. P. Act or 197K S. 3, Ins. by M. P. Act 9 of 1982 (a). Moneys recoverable as an arrear of land revenue under MADHYA PRADESH LAND REVENUE CODE, 1959 Provided that no action shall be taken on application for recovery of a sum specified in this clause, unless such application is accompanied by a certificate signed by the Managing Director of the said Corporation that the sum should be recovered as an arrear of land revenue; (g) all moneys becoming payable to the Madhya Pradesh Laghu Udyog Nigam Limited and the Madhya Pradesh Udyogik Vikas Nigam Limited— (i) on account of service charge, penalty, interest, cost of machinery or other materials sold by the said Nigams to entrepreneurs for the purpose of establishing, expanding or running an industry or for any other purpose ancillary to an industry under any agreement of sale on hire purchase or otherwise of such machinery or materials by the said Nigams; (ii) On account of rent or cost of building hired out or sold, as the case may be, by the said Nigams under any lease, contract or agreement; (iii) in repayment of any loan advanced by the said Nigams, or of any amount due to the said Nigams under any lease, contract or agreement with or any other dealing of the said Nigams Provided that no action shall be taken on application for recovery of a sum specified in this clause unless such application is accompanied by a certificate signed by the Managing Director of the said Nigam that the said sum should be recovered as an arrear of land revenue: (h) all moneys becoming payable to the Madhya Pradesh Lift Irrigation

Corporation Limited on account of- (i) construction charges of the (i:) water rates for the water supplied for the purpose of irrigation from any Lift Irrigation Schemes; (iii) any sum due to the said Corporation under any lease, agreement Or contract executed with the said Corporation : Provided that no action shall be taken on application for recovery of a sum specified in this clause unless such application is accompanied by a certificate signed by the Managing Director of the said Corporation that the said should be recovered as an arrear of land revenue.)2 k56. Every person who may have become a surety under any of the provisions of this Code, or under any other enactment or any grant, lease or contract whereunder the sum secured is recoverable from the principal as an arrear of land revenue shall, on failure to pay the amount or any portion thereof which he may have become liable to pay under the terms of his security bond, be liable to be proceeded against under the provisions Of this Code in the same manner as for an arrear of land revenue. CHAPTER xar Tenure Holders 157. There shall be only one class of tenure-holders of lands held from the State to be known as Bhumiswami

158. Every person who at the time of coming into force of this Code belongs to any of the following classes shall be called a Bhumiswami and shall have all the rights and be subject to all the liabilities conferred or imposed upon Bhumiswami by Dr this Code, namely -4 2.(a) every person in of Ian (l held by hini in the Maha- kD}hal region in Bhumiswami OT Bhnrrnidhari rights tn acct>rdance with the, provisions of the Madhya Pradesh Land Revenue 1954 (11 of 1955); Sui'S, P. Act 30 n] Added by M. Act or S 2. Renumbered by Act. B of 1979 S



3. THE MADHYA PRADESH LAND REVENUE CODE, 1956 269 (b) every person in respect of land held by him in the Madhya Bharat region as a Pakka tenant or as a Inamdar or Concessional holder, as defined in the Madhya Bharat Land Revenue and Tenancy Act, 1950 (66 of 1950); (c) every person in respect of land held by him in the Bhopal region as an occupant as defined in the Bhopal State Land Revenue Act, 1932 of 1932); (d) (i) every person in respect of land held by him in the Vindhya Pradesh region as a pachtan tenant, pattadar tenant, a grove holder or as a holder of tank as defined in the Vindhya Pradesh Land Revenue and Tenancy Act, 1953 (of 1955 (ii) every person in respect of land (other than land which is a grove or tank or has been acquired or which is required for Government or public purposes) held by him in the Vindhya Pradesh region in respect of which he is a khatidar tenant and in is entitled to a patta in accordance with the provisions of section 57 of the Madhya Pradesh Land Revenue and Tenancy Code, 1956, (iii) every person in respect of land held by him as a tenant in the Vindhya Pradesh region and in respect of which he is entitled to a patta in accordance with the provisions of sub-sections (2) and of section 51 of the Vindhya Pradesh Land Revenue and Tenancy Act, 1953 (iii) Of has omitted to obtain such patta before the coming into force of this Code, (e) every person in respect of land by him in Sironj region, as a khatidar tenant or as a grove holder as defined in the Rajasthan Tenancy Act, 1955- (3 of 1955). [(2) A Ruler of an Indian State



forming part of S late af Madhya Pradesh who, at the Eime of coming into force of Chis Code, was holding land or was en(iiled to h Oki land as such Ruler by virtue or the covenant or agreement cnlerd into bv hirli before. the commencement of the (:onstitutioni shall, as from the date of coming into force of this Code. be a Bhumiswami of such land under (hc Code and shall bc stLbjcel to all the rights and liabilities conferred and Onposed upon a Bhunliswami by cr under this Code. Explanation.— T "Indian State" shall have the same meanings as arc assigned to these expressions in clan-ses (22) and (15) respectelv Of artic lc 366 qi the Constitution of India.] u 159. Every person becoming a Bhumiswami under section 158 shall pay RS land revenue. ___ ir he was paying land revenue in respect of the lands hold bv him- revenue; or if ile was paying rent in respect of the lands held by him-an amount such rent. 160. (1) Every Muafi or Inam land. wherever situate, which was hereto- fore exempted from payment of the whole or part of the land revenue by a special grant from the Government or under the provisions of any law for the time being in force or in pursuance of any other instrument shall, notwithstanding anything contained in any such grant, law or instrument be liable from the commencement or the revenue year next following the coming into force of this Code. to the payment of full land revenue assessable thereon

1. Ing.by M. P. 8 nf 197 Land revenue payable by Khumiswamis. Revocntion of exemption from liability for land revenue. 270 THE MADHYA PRADESH LAND REVENUE CODE. 1959 Reduction of revenue during of settlement. •ppaïc.atiM1* Bhuminwam.i righ (2) Where any such Muafi or Inam land is held for the maintenance or upkeep Of any public religious or charitable institution, the State Gcverrm.ent may, on the application of such institution, in the prescribed form [and made within such time as may be prescribed 11 c rant lo it such annuity not exceeding the amount of the exemption from land revenue enjoyed by it, as may be con- sidered reasonable for the proper maintenance or upkeep of such instituti0]1 or for the continuance of service rendered by it. (3) The annuity granted under sub-section (2) shall be subject to such. conditions as may be prescribed and may from time 10 time bc revised or with drawn by the State Government. (4) Where an applicaion is made under sub-section (2), the recovczy Of land revenue from the institution concerned shall be stayed until the decision of the application. (1) At any time during the currency of the settlement the Collector 16k. may, in accordance with such rules as may be made in this behalf, on the ap- plication of a Bhumiswami or of his own motion reduce the revenue in respect of any Land on any of the following grounds, namely (i) that the land has been wholly or partiany rendered unfit for cultivation in consequence Of floods or other cause beyond the control of such Bhumiswami; (ii) that any irrigation source, whether new cr old, constru- cted and maintained at the cost of the State has fallen into disrepair and has ceased to irrigate the whole or any part of his holding to which an enhanced rate of revenue has been applied on account of irrigation ; (iii) that any private irrigation source has for any cause beyond the control of Bhumiswami, ceased to irrigate the whole or any part of the holding which. has been assessed to enhanced land revenue on account of irrigation ; (iD) that the revenue payable by the Bhumiswami in respect Of the land is more than the revenue calculated at the rate fixed at the last settlement or under any other law for such land; (v) that the area of the holding of such Bhumiswami has detreased for any reason below the arca on which the existing land revenue was assessed. (2) Where any reduction is ordered under sub-section (I), such reduc- Zion shall take effect from the commencement of the revenue year next following the date of the order. (3) If the cause for which revenue has been reduced under gub-section (1) subsequently ceases Or is removed, the Collector may, after giving the Bhumi- swami a reasonable opportunity of being heard, make an order directing that such reduction shall cease to be in force and on such Order being passed, the reduction shall stand revoked from the commencement Of the revenue yea.z next following the date of the order. x 163. Alf applications by Bhumidharis for conferral of Bhumiswami rights Fnding before any revenue court in the Mahakoshal region immediately before the coming into force of this C6de whether in appeal, revision, review or Otherwise. shall filed and the amount, if any, deposited by such Bhumidharis shall be refunded to them

1. Ins.by M. P. Act 24 of 1961. S.9

2. Omitted by M.P. Act 25 of 1964. S. u. THE MADHYA PRADESH LAND REVENUE CODE, [164 Subject to his personal law the interr.st of Bhumiswami shall, on his death, pass by inheritance, survivorship or beques\, as the case may be.] L (1) Subject to the other provisions cf this section and the provision 165. x - — , 32 any of section 168 a Bhumiswami may Iransfer L interest in his land. (2) Notwithstanding anything contained in sub-secticz (a) no mortgage of any Iud by a Bhumiswami shall hereafter be valid unless at]cast five acres of irrigated or ten acres of unirri- gated land is left with him free

from any encumbrance or charge ;) , no usufructuary (b) subject to the provisions Of clame mortgage of any land by a Bhumiswami shall hereafter be valid if it is for a period exceeding six years and unless it is a condition of the mortgage that on the expiry of the period mentioned in the mortgage deed, the mortgagee shall be deemed, without any payment whatsoever by the Bhumiswami to have been redeemed in full and the mortgagee shall forthwith re-deliver possession of the mortgaged land to the Bhumiswami; (c) if any mortgagee in possession of the land mortgaged does not hand over possession of land after the expiry of the period of the mortgage or six years whichever expires first the mortgagee shall be liable to ejectment by the orders of the Tahsildar as trespasser and the mortgagor shall be placed in possession of the land by the Tahsildar [Provided that nothing in this sub-section shall apply in the case of a mortgage of any land held by a Bhumiswami for non-agricultural purpose. (3) Where a Bhumiswami effects a mortgage other than a usufructuary mortgage of his land in pursuance of the provisions of sub-section (2), then notwithstanding anything contained in the mortgage deed, the total amount of interest accruing under the mortgage shall not exceed half the sum of the principal amount advanced by the mortgagee. (4) Notwithstanding anything contained in sub-section (1), no Bhumiswami shall have the right to transfer any land— (a) in favour of any person who shall as a result of the transfer become entitled to land which together with the, land, if any, held by himself or by his family will in the aggregate exceed such ceiling limits as may be prescribed; x [Provided that — nothing in this sub-section shall apply— (a) in the case of a transfer in favour of a Co-operative Society or an institution established for a public, religious or charitable purpose a transfer for industrial purpose or a transfer by way of mortgage; (b) in the case of a transfer of • land held for non agricultural purposes : Subs. by M. P. Act 3B of s.m 1959 Devolution, Rights of transfer. 271 2. 8. 4

6. Word: "otherwise than by wil" • omitted by S.3(i). ibid. Added by M. P. Act 24 of 1961, S. 10(i). Omitted by M. P. Act 25 of 1961, S. 1 sub.. by M. P. Act 24 of 1961, S. 10(ii). Omitted by P. 25 of 1964, S.E. 27

2 THE MADHYA PRADESH LAND REVENUE CODE. 1959 Provided further that the transfer of land under sub-clause (a) of clause (i) of the preceding proviso for an industrial purpose shall be subject to the following conditions if land is to be diverted to a non-agricultural purpose, the permission of the Sub-Divisional Collector under section ; 2 for such diversion is obtained prior to such transfer ; provisions of section 72 shall apply to such transfer notwithstanding that the period three months and six months provided in the sub-section (1) shall; the purposes of an application for such diversion, be forty-five and ninety days, respectively..} Explanation.- For the purposes of this sub-section, a person's family shall consist of the person himself, the minor children and the spouse of such person living jointly with him and if such person is a minor then his living jointly with him (5) Notwithstanding anything to the contrary in any other enactment for the time being in force, no land of a Bhumiswami shall, in execution of a decree or order of a court, be sold to any person who as a result of such sale shall become entitled to land which together with the, land, if any, held by himself or by his family will in the aggregate exceed such ceiling limits as may be prescribed : Provided that nothing in this sub-section shall apply in the case of a co-operative society where any land is put to sale, in execution of a decree or order passed in favour of such society. Explanation.— For the purposes of this sub-section, the expression "a person's family" shall have the same meaning as assigned to it in sub-section (4). the right of (6) Notwithstanding anything contained in sub-section (1) of Bhumiswami belonging to a tribe which has been declared to be an aboriginal tribe by the State Government by a notification in that behalf, whole or part of the area to which this Code applies shall— (i) in such areas as are predominately inhabited by aboriginal tribes and from such date as the State Government may, by order, not be transferred nor it shall be transferable either by way of sale or otherwise or as a consequence of loan to a person not belonging to such tribe in the area specified in the notification; (ii) in areas other than those specified in the notification under clause not be transferred or be transferable either by way of sale or otherwise or as a consequence of transaction of loan to a person not belonging to such tribe without the permission of a Revenue Officer not below the rank of Collector, given for reasons to be recorded in writing. Explanation.— For the purposes of this sub-section the expression 'otherwise' shall not include, leased land. (2f6-a) Notwithstanding anything contained in (1), [the right of a Bhumiswami other than a Bhumiswami belonging to a tribe which has been declared to be an aboriginal tribe under sub-section subs. by M. P. Act 61 of 1976, S.2. In its application to the. Scheduled by of Madhya Pradesh. Admittedly Avam Harijan Kalyan Vibha* Notification ND. F-6-1-81 • I-XX V. dated the 31st April 1961, issued by the Government of Madhya Pradesh under gub-

paragraph (1) Of pmra- graph 5 of the Fifth Schedule to &n.titutum of India, published in Madhya Pra- a Asadbaran), dated the 20th April, 1981, pages S27-GS2. MADHYA PRADESH LAND REVENUE CODE 1959 shall not be (6), in the land excluding the agricultural landii transferred or be transferable eithel by way of sale or otherwise or as a consequence of transaction of loan to a person not belonging to aboriginal tribe without the permission of the Collector given for reasons to be recorded in writing : provided that every such transfer effected pnr to the 9th day of June, 1980 which is not in accordancce the provisi ons herein contained shall, wrless such transfe- is ratified by the Collector in accordance with the provisions hereinafter contained, be void and shah be Of no effect whatsoever, notwithstanding anything contained in this CDde or any Other law for the time being in force. (6-b) Notwithstanding anything contained in the limitation Act, 1963 (No. 36 of 1963), the Collector may on his own motion at any time or on an application made in this behalf within three years of such transaction in such form as may be prescribed, make an enquiry as he may deem fit, and may, after giving a reasonab}e opportunity of being heard to Ehe persons affected by the transfer, pass an order ratifying the transfer or refusing to ratify the transfer. (6-c) The Collector shall, in passing an order under sub-section (6-a) granting or refusing to grant permission or under sub-section (64) ratifying or refusing to ratify thc transaction shall have due regard to the following 273 (0 (ii) (iv) (D) whether or not lhc person to whom land is being transf«red is a resident of the Scheduled Area; the purpose to which land shall be or is likely to be used after the transfer; whether the transfer serves, ar is likely to serve or prejudice the social, cultural and economic interest Of the residents the Scheduled Area; whether the consideration paid is adegnate; whether the transaction is spurious. fictitious or benami; and such other matters as may be prescribed. The decision of the Collector granting or refusing to grant the permisgion under sub-section (6-a) or ratifying or refusing tD ratifr the transaction Of tranG under sub-section (5-5), shall be final, notwithstanding anything to the contracy contained in Code. Explanation. —For the purpose of thig sub-section, — (a) "scheduled Arca" means any area declared to be a Sched- uled Area within the State of Madhya Pradesh under paragraph 6 of Lhe Fifth Schedilled to the Constitution of India; (b) the burden or proving that the transfer was not spurioug fictitious or benami Shall lie on the person who claim. such transfer to be valid. {6•d) On refusal to grant the permission under sub-section (6•a) ratiicatlhn under sub-sectiDn (6-6), the transferee, if in Of the land shall vacate the forthwith and retore the possession thereof to the original Bhumiswami. Sub'. it' apclication be Scheduled Arpa•. bv Government or Madhya Pradesh, Revenue Department's Notificat ion F. NO 37-4-VII-N-II-S#. dated the 4th June, 1984, tar eke words, figure and ' ' the Df a Bhumiswami other than a Bhumiswami balun. In R! lb-section • issued by lhc Governor M*dhya Pradesh under snb' Parauraph (i) of Paragrph S the Forth schedule to 'he Constitution Df India, published in the Madhya Pradah Rei- patra (Asadharan»), dated the 7th June, 1984, pages 1621 —Z2. 274 THE MADHYA PRADESH LAND REVENUE CODE, 1959 If the Bhun, iswami for any reason whatsoever fails or is unable to take possessiDn of the land Of which lhc right of possession stands re.qorrd tD him nnder sub-section (6-d), the Collector all cause the o: land to I taken and cause the land to be on lb': ana t 10 h lerns and -urinal Bhulni- conditions as rmay bc prescribed. til] such t ill-it: t upon sw:unl Provided that if - any is o]Tercd in a-cs-un-ing (shall or Bhun'iSlvalili 01 her than Jand transfr:rrrtl b', t b c a Dhunli)ivalli belonging to an aboriginal declared nnder sulp section (G) to a not belonging to an aboriginal tribe shall not be diverted for any Other purpose before the expiry of period of ten years from the date of transfer (6-1) The prov]Sions or sub-section (6-a) ID shall have effect, not""ithstanding anything to the. c on trary contained in this Code or anv other law ror lhc lime being in force..] (7) Notwithstanding anything contained in sub-section (1) or in any other law for the time being in force— [(a) where the area of land comprised in a holding or it" there be more than one holding the aggregate area of all holdings Of Bhumiswami is in excess of five acrcS of irriga ted or ten acres of unirrigated land, th.C12 so much area of land in his holding or holdings shall bc liable to attach- decree or order as is in ment or sale in execution of any excess or five acres cf irrigated or ten acres Of unirrigated land; I g no land comprised in a holding of a Bhumiswarni belon- ging to a tribe. which has been declared to bc an aboriginal tribe under sub-section (6) shall be liable to be aliached or sold in excecution of any decree or order; no recciver shall be appointed to manage the land of a Bhumiswami under section 51 of the Code, of Civil Proce- snch land vesl in durc, 1908 (V of 1908) nor shall the court or anv receiver under the Provincial Insolvency Act. 1920 (V of 1920), contrary to the provisions of clause (a) or clause (b) : provided that nothing in this sub-section shall apply where charge has been created on the land a. mortgage. 2. 3. 4. [(7 -a)

Notwithstanding anything contained in sub-section (1), no Bhumi-swami specified in section 33 of the Madhya Pradesh BhQ0dan Yagna Adhiniyam, 1968 (No. 28 of 1968) shall have the right to transfer any interest in his land specified in the said section without the permission of the NTadhy Pradesh Bhoodan Yagna Board.] [(7-b) Notwithstanding anything contained in sub-section a person who holds land from the State Government or whom right to occupy land is granted by the State Government or the Collector as a Government lessee and who subsequently becomes Bhumiswami Ins.. in its application Scheduled Areas. by Government of Madhya Pradesh, Revenue Department s Notification F. No. 37-4-VII-N\II-84. dated the 4th June, f 984, issued by the Governor Df Madhya Pradesh under gub-paragraph (1) of Para.raph of the Fifth schedalc to thr ConsLit"tion Of published in the Madhya Pradesh Rajpatr. dated the 7th June, 1984, pages 1621.22. ibid, (6-e)". sutx. by M. P. Act 37 of 1973, S.2. ins. by M. P. 15 1975, SA. THE MADHYA PRADESH LAND REVENUE CODE, 1959 275 of such land, shall not transfer such land without the permission of a Revenue Officer, not below the rank of a Collector, given for reasons to be recorded in (8) NOlhing in this section shall prevent a Bhumiswami from transferring any right in his land to secure payment of, or Shall] affect the right of the State Government to sell such right for the recovery of, an advance made to him under theLand Improvement Loans Act, 1883 (XIX of 1883) or the Agriculturists Loans Act. 1884 or 1884). (9) Nothing in this section shall prevent Bhumiswami from transferr in any right in his land to secure payment of an advance made to him by a operative Society or shan affect the right of any such society to sell such right for the recovery of such advance. [(9-a) Nothing in this section shall prevent a }3humiswzrni who is a dis- placed person from transferring ?.r.v in his land to secure pay- ment of an advance. made to him by the Dandakaranya Development Authority or shall affect the right of that Authority in sell such right for the recovery of such advance. Explanation.— In this sub-section ' rr a person displaced frozn IIC territories now cccrpriftd in Fast Pekistzn who is resettled in MadhYß Pradesh on or after the] st dav ef April 1957. nder arav schcme cf resettlement of displaced persons sanctioned by the Cen traJ Government or the State tlis section shall prevent a Ehvrniswarni fran] trans- Nothing {erring any right in his land to secure payment o} an advance made to him by a Commercial Bank for purpose Of agriculture or improvem ent of holding or shall affect the right of any such Bank to sell such right for the recoverv of such advance.]8 (IO) Nctq-ithstancng anything ccraz:nrci in the I r;dity Registrztions Act, 1908 (X VI cf 1908), no ciliccr empowered to regiuer ents there- under admit LO registration any document which purports to contravene the provisions of this section. (1 P Nothing in this section shall— (a) invalidate any transfer which was validly made: or (b) validate any transfer which was invalidly made: before the coming into force of this Code. Explanation.— For purposes of this section ore acre cf irrigated land Shall be deemed to be equal to two acres of unirrigated land and vice-versa. 166. (1) Ifa transfer of land is made in contravenion of the provisions of clause (G) of sub-section of section 165 so much of the land as is in excess of the prescribed ceiling limit with the tran±feree, shall, after its selection by the transferee within the prescribed period and dcniarcation by a Sub-Divisional Officer in accordance M'ith_ such rules as may be made in that behalf, stand forfeited to the State Government . Provided that if the transferee fails to make the selection within the prescribed period such selection shall be made by the sub-Divisional Offccr. • For feiture in of certain transfers. 2. S. x Iris. by M. P. Act Ins. by M. P. Act Omitte d by M. P. 15 of 1980, S.8. Ins. by M. P. Act 38 of 1961, S.3(ii). 9 of 1970, S.3. Act 25 of 1964. S.16. 276 Exchange land. THE MADHYA PRADESH LAND REVENUE CODE, 1959 (3) The Sub-Divisioual Officer shall in the cases referred to in sub-section (1) and (2) fix the land revenue in the prescribed manner in respect Of the land left with the transferee. 1 7. Subject to the provisions Of section 165 Bhumiswamis may exchange taal agreement the whole or any part of their holdings for purposes of consolid n of holdings or securing greater convenience in cultivation

168. Except in cases provided for in sub-section (2), no Bhumiswau; shall lease any land comprised in his holding for more than one year during any consecutive period of the three years [Provided that nothing in this sub-section shall apply to the lease of any land- (t) made by Bhumi swami who is a member Of a registered Co-opel ative Farming Society to such Society ; (ii) held by a Bhumiswami for non-agricultural purposes.] Explanation. — For the purposes of this section— (2) "lease" means a transfer of a right to eujoy any land, made for a certain time, or implied in consideration Of a price paid or promised or of money or any other thing Of value to be given periodically to the transferer by the transferee who accepts the transfer on such terms, (b) any arrangement whereby a person cultiva tes any land of a Bhumiswarni with bullocks belonging to or procured by such person (kessee) and on condition of

his giving a specified-share- of the. produce of the land to the Bhumi swami shall be deemed to be a lease, (c) the grant of a right merely to cut grass or to graze cattle or to grow t Singhara' or to propagate or collect lac, pluck or collect tendu leaves shall not be deemed to be a lease of the land. A Bhumiswami who is— (iD) (oii0 a widow; or an unmarried woman; or a married woman who has been deserted by her husband; or a minor; or a person subject to physical or mental disability due to old age or otherwise; or a person detained or imprisoned under any process of law; or a person in the service Of Armed Forces of the Union; or a public, charitable or religious institution; or local authority or CO-Dpcralivt: Srwietv; may lease the whole. or any part Of his holding Provided that where a holding is held iDinfly by rnre than one: Person the provisions Df this sub-section shall not be app}icablc unless all such be !ong any one or more of classes aforesaid l. Sub,.h!_ P. 1964 by S. 17 2_ sub. by M. P. Act 24 or S. n. THE MADHYA LAND REVENUE coop. provided futthcc that any lease made in pursuance OF this sub-section shall cease to be in force aftec one veay of' determination of the disability by death or otherwise. (4) Where a lease is granted in pnrsuance of [Sub-section 2 the lessee shall hold the land on such terms and condiùons as may be agreed upon between him and the Bhtuniswami and may be ejected by an order of a Sub- Divisional Offceec on the application of the Bhumiswami On the ground Of lease contravention of any material term or condition of the lease or on the ceasing to be in force. is held on (5) Where on the coming in tc force of this Code anv l:znd lease from a Bhumiswami who belongs to any one or more of the classes mentioned in sub-section (2), such lease shall, on the comin'! into force ot' this Code, be deemed to be a lease granted in pursuance of sub-section (2)

169. If a Bhumiswami—leases out for any oe,riod any land comprised in his holding in contravention of section 68; or (ii) by an arrangement M'hich is not a lease under sub-section (1) of section 168 allows any person to cultivate any land comprised in his holding otherwise than as his hired labour and under that arrangement such person is allowed to be in possession of such land for a period exceeding two years without being evicted in accordance with section 250; the rights Of an occupancy tenant shall, (a) in the case of (i) above, thereupon accrue to the lessee in such land; and (b) in the case of (ii) above, on the expiration Of aperiod of two years from the date of possession, accrue to such person in that land : Provided that nothing in this section shall apply to a land comprised in the holding Of a Bhumiswami belonging to a tribe which has been declared to be an aboriginal tribe under sub-section (6) of section 165 and which is leased out by him or in respect Of which he has made an arrangement as aforesaid,as the case may be.] [170. (1) Where possession is transferred by a Bhumiswami in pur- suance Of a transfer which is in contraven tion of sub-section (6) of section 165 any person who, if he survived the Bhumiswami without nearer heirs would inherit the holding, may,— (i) till the 31st December 1978, in the case of transfer Of possession prior to the 1st July 1976; and (ii) within five years of such transfer of possession, in subsequent cases, apply to the Sub-Divisional Officer to be placed in possession subject so far as the Sub-Divisional Officer may, in accordance with the rules made in behalf, determine to his acceptance of the liabilities for arrears Of land revenue or anv other dues which form a charge on the holding, and the Sub-Divisio- nal Officer shau dispose. Df such application in accordance with the proce- dure as may be prescribed.]4 277 UnauthoriRd etA Avoidance d trander in cw Of Eectiu• 10. 2. 3

4. Omitted by M.P. Act 25 of 1964, S. 17(b). Subs. by S. 17 for "sub-section (2) or (3) subs. by M. P, Act 15 of 1980. S.9. Subs. by M. P. Act 61 of 1976, S.4 278 &rtain transfers EO be THE MADHYA PRADESH LAND REVENUE CODE, Revasion of land oj members of aboriginal tribe whi was by (2) Where auy land of a Bhumiswalili is sold in contravention 0' subsection (5) of section 165, Lhe court by which such sale is ordered shall, on the application of the Bhumiswami or any person who, if he survived the Bhumi-svvami without nearce heirs would inherit the holding made within two veays such sale, aside the sale and place the appÆicant in possession of the land subject to his acrcpting the liability for arrears of and revenue or any other dues which form a charge on the land. the Limi tation -1 [1 70-A. (I) Notwithstanding anything con tained in 1963 (No. 36 of i 963), the Sub-Divisional Officer may: on his own mo- Lion or on an application] nade by a transferer cf agricultural land belonging to a tribe which has deckared to be an aboriginal tribe under sub-sec- Eion (6) cf section 165 on Or before the 31st December 197B, enquire into a transfei- effected by way of sale, or in pursuance Of a decree of a court of such land to a person 110t belonging to such tribe or transfer effected by way Of tenant under section 169 or of Bhumiswami accruai of right of occupancy under sub-section (LA) section at any time during the period COMmen- cing on the 2nd October. 1959 and ending on the date of commencement of the Madhya

Pradesh Land Revenue Code (Third Amendment) Act, 1976 to satisfy himself as to the bonafide nature of such transfer, (2) If the Sub-Divisional Officer on an enquiry and after giving a reasonable opportunity to the persons owning any interest in such land, is satisfied that such transfer was not bona fide, he may notwithstanding anything contained in this Code or any other enactment for the time being in force (a) subject to the provisions of clause (b), set aside such transfer if made by a holder belonging to a tribe which has been declared to be an aboriginal tribe under sub-section (6) of section 565 and restore the land to the transferor; or (a) subject to the provisions of clause (b), set aside such transfer if made by a holder belonging to a tribe which has been declared to be an aboriginal tribe under sub-section (6) of section 165 and [restore the land to the transferor by putting him in possession of the land forthwith.]. (b) where such land has been diverted for non-agricultural purposes, he shall fix the price of such land which it would have fetched at the time of transfer and order the transferee to pay the difference, if any, between the price so fixed and the price actually paid to the transferor within a period of six months. 12. Every person who on the date of commencement of the Madhya Pradesh Land Revenue Code (Amendment) Act, 1980 (hereinafter referred to as the Amendment Act of 1980) is in possession of agricultural land which belonged to a member of a tribe which has been declared to be an aboriginal tribe under sub-section (6) of section 165 between the period commencing on the 2nd October, 1959 and ending on the date of the commencement of Amendment Act of 1980 shall, within [two years] 4 of such commencement, notify to the Sub-Divisional Officer in such form and in such manner as may be prescribed, all the information as to how he has come

4. Of gnych land. Ins. by M. P. of 1976, S.5. its application to Scheduled Area, by Government Of Madhya Pradesh, Subs. in Revenue Department's Notification F.No. 1-70-7-N->-83, dated the 5th January, 1984. by the (;overnor of Madhya Pradesh under sub-paragraph of paragraph 5 of the Fifth Schedule to the Constitution of India, published in the Madhya Pradesh Rajpatra (Asadha- ran), dated the 5th . I annary 1984, pages 23-29. for "restore the land to the transferer" by M. P. nf 1980, S. 10 Subs. by M. P. Act 19 of 1982, S. 2. for i •one year' MADHYA PRADESH LAND anv person fails to notifV (2) : period specified sect 101 1 person in of 1 he: a Ri- authority and t' u: I REVENUE CODE, as required by anr_1 if that said revert to Ill.: In wh.un deati, Io his legal h' Gr.s. sub scc.tian I'P:, the Sub-I)ivi- init•rInatiDn unde:l (3) On receipt Df thr bc dcerncl ne:ccsarv "I Klut all sional ()fliccr shall InatI'• eyquiry as the ubariginal tribe such transaliDj15 or and if lit: finds lhal: has been defrauded of his legitimate right he Shal] declare ! he t:- a.nsactiou null and void and pass an order revesting the. agricuhter\$.l land in the trar.stére.r his legal heirs and, if hr be dead, in [(3) On receipt of the information under sub-section (I) the Sub- Divisional Officer shall make such enquiry may be r.ccc,varv about all such transactions 01 transfer and if he finds that the membc:• of aboriginal tribe has been defrauded of his legitimate right he shall the transatian null and void and- (a) (b) •.En:cture has E',e.en erected on Where no building or the agricultural land prior to such finding an order revezlina the agricuqtnral in the transferer and if hc bc dead, in his legal heirs, Where any building or structure has been erected on the. agricultural land pri0i to such finding, hc shall fix the price of such land in accordance with the. principles laid down for fixation nf price land in the Land Acq!lisation 1894 (ND. of 1894) and order the person referred to in sul)-section (I) to pav to t.he transferer the difference, if any, between the price fixed and the price actually paid to the transferer . provided that where the building or strncture has been erected after the _ 1st day of January, 1984 the provisions of clause (b) above shall not apply • Provided further that fixation of Jjrice under clause (b) shall be with referenee tD the price on the date Of reaistrazinn of the case before the Sub-Divisional Officer.] [70-C'. ANotwithstanding anything contained the Advocates Act,] 961 (No. 25 Of 1963) no Advocate appear hefQrc a Revenue Officer under any proceeding under sect!on 1 TO-A or] the ucrn:issinn of such officer . Provided that if permission is granted 10 one party ncc belonging a member of a tribe which has been dctlaved to he an aboriginal tribe under sub-section (6) of sectiC'VI 165. similar always be provided to the other parfv bclar.c:ng *Ich trihe at the cost Of arid through legal aid agenCY. 1 7Ü•D. Notwithstanding any!hing in na second appeal shall lie against the orders passed nn or after the 24th October 1 qR3 under section 170-A and section 170.B.]2 171. A Bhurniswami Of land held ror the purpose agriculture is entitled to make any improvement thereon for the better cultivarior.. of the land or its more convenient use for the purprke aforesaid. L Rub'. , in it' application Scheduled by Govemltrent M i 'rRd#h_ R curnuc Department •g Notification F. ND. 1-70-V11-N-2-83. Nate-d 'he 5th January, issued hy the Governor Df Madbv,m Pradesh under sub-paragrnp (parazrAph the Fifth Schedule the Constitution Df India,

published in 1. Raipr.tra dated the 61b January. 23-29 Advocate. not in proceedings 170-A oe withotrtr per-III_15-ron. Second appenl•k barred. Right to In-ake}iruprovemeots 280 Diversion of I-a-nd. THE MADHYA 172. PRADESH LAND REVENUE CODE, 1959 L if a Bhumiswalli of land held for any purpose in— -i) urban axa ar within a radius of five miles from the outer limits Of such area; lii) a village with a population of two thousand or above according to last census; in other areas as the State Government may, by notification, specify ; wishes to divert his holding or any part thereof to any other purpose except agriculture, he shall apply for pcrnission [o the Sub-Divisional Officer who mav, subject to the provisions of this section and to rules made under , on such conditions as he mav think this Code, refuse permission or grant fit : provided that should the Sub-Divisional Offcer neglect or omit for three months arter the receipt of an application under sub-section (1) to make and deliver to the applicant an order of pcrtnission ot refusal in respect thereof, and the applicant has hy •vvrittC'L comnntnica(inn called the attention of the Sub- DivisiDnal OIEæ:-er to the Omission o: negtect. n nd such omission or neglect continues for a furthec period Of six months, the. Suh-Divisioaal Officer shall be deemed to have granter-I the permission without anv condition. (2) Permission diverl may be refused by the Sub-Divisional Officer only on the ground chat the diversion is likely ta cause a public nuisance. or the is 'l_.uahle nr ltnwilli.n« ta comply with the conditions that may be imposed under sub-scccion (3 h Condilions he imposed nn diversion for the objects and no 0th trx. namely. in order secure the public health, safetv and convenience. and in the. case of land which is ta he used as build ing sites. in order ZO SCCüre in add that the. dimensions, arrangement and accessibility of the sites are adequate the health and convenience ot' occupiers or are suitable to the locality. (4) If any land has been diverted without permission by the Bhumiswami or by any other person with without the censent of the Bhumiswami the Sub-Divisiona; Officer on receiving information thercnf, may impose on the person responsible the diversion a penaltv not exceeding two hundred rupees, and may proceed in accordance wi th the provisions of sub-section (1) as if an application for permission to divert had been made. (5) If any land has been diverted in contravention Of an order passed or Of u condition imposed under any of the fore going sub-sections, the Sub-Divisional Officer may serve a notice on the person responsible for such con- travenLion, directing him, within a reasonable period to be stated in the notice, to use the land for its original purpose or to Observe the condition; and such notice may require such person to remove any structure, to fill up a.ny excaVation, or to take such O!her steps as may be required in order that the land may be used for its original purpose, or that the condition may be satisfied. The Sub- Divisional O mcer may also impose on such person a penalty not exceeding two hundred ruoecq for such contravention, and a further penalty not exceeding twenty rupees for each day during which such contravention is persisted in. (6) It any person served with the notice undet sub•section (5) fails within the period stated in the notice to take the steps ordered by the Sub-Divisional Officer under that sub-section, the Sub-Divisional OYcer may himself take such steps or caur them to be taken; and any cose incurred in so doing shall be recoverable from such person as i? it were an arrear of land revenue. Explanation.— Diversion in this section means using land assessed to one purpose under section 59 to any other purpase mentioned therein but using land for the purnnse of where it is asses&d with reference to any other purpose shall not be deemed to be diversion. Subs. byM. P. Act 25 1964, s. IS(i). THE MADHYA PRADESH LAND REVENUE CODE, 1959 281 [(6-0) If any land has been diverted in contravention of sub-section (6-ee) of section 1 65, the Sub-Divisional Omcer in addition to taking action laid down in sub-sections (5) and (6), shall also impose a penalty not exceeding five thousand rupees for such contravention and a further penalty not exceeding one Huni-ed rupees for each day during which such contravention is persisted in.]i [(7) Where after having been assessed for agriculture, any land situated in urban area is kept follow for a continuous period of two years, it shall} notwithstanding anything contained in this Code, be, deemed to have been diverted to a non-agricultural purpose and shall be accordingly Provided that no action shall be taken under this sub-section unless the person affected thereby is given a reasonable opportunity of being heard] .2 173. Subject to rules made under this Code, a Bhumiswarni may relinquish his rights, that is, resign them in favour of the State Government, but subject to any rights, tenures, encumbrances or eq'uities lawfully subsisting in favour of any person, other than the State Government or the Bhumiswaml, by giving notice in writing to the Tahsildar not less than thirty days before the date of commencement of the agricultural year and thereupon he shall cease to be a Bhunliswarni from the agricultural year next following such date of such order. In case of the relinquishment of only a part of the holding the Tahsildar shall apoorportion the assessment of the

holding in accordance the rules made under this Code : Provided that the relinquishment of a holding or any part of a holding, which is subject to an encumbrance or a charge, shall not be valid. If any sub-division Ofa survey number or plot number is relinquished 174. under section 173, the Tahsildar shall offer the rights to occupy such sub-division Bt such premium as he thinks fit to the Bhumiswami of the Other sub-sdivisions of the same survey number or plot number and if there be competition among such Bhumiswamis he shall sell such right to the highest bidder amongst them

175. If any person relinquishes his rights to land, the way to which lies through other land retained by him any, future holder of the land relinquished 'hall be entitled to a right of way through the land retained.(1) If a Bhumiswami ceases to cultivate his holding for Two years 176. either by himself or by some other person, does not pay land revenue and has the [Tahsilder_]s may, after such left the village which he usually resides, enquiry as he may deem necessary , take possession of the. land comprising the holding and arrange for its cultivation by letting it Out On behalf of the Bhumi- swami for a period of one agricultural year at a time. (2) Where the Bhumiswami or any other person lawfully entitled to the land claims it within a period of three years from the commencement of the agricultural year next following the date on which the [Tahsildar]' took possession of the ; t Shan b: restored to him on payment of the dues, if any, and on such terms and conditions as the [Tahsildar]' may think fit. (3) qrhete no claim is preferred under sub-section (2) or if a claim is preferred and disallowed, *he T' shall make an order declaring the holding abandoned and the holding shall vest absolutely in the State Government, from such date a' may be specified in that behalf in the order. (4) Where a holding is declared abandoned under sub-section the liability Of the Bhumiswami for the arrears of revenue due from him in respect thereof Shall] stand discharged. R ehnuish Dispehal of relinq Right of relinquished land. Abandonment ef hokiiKw

3. Ins., in application Io Scheduled Areas. by Government Of Madhya Pradeb, Revenue Depart-mentes Notification F. No. 37-4-VII-N-TI-84, dated the 4th June, 1984 issued by the Governor of Maahv• Pra*e'h under sub-paragraph (I) of Paragraph .6 of tke Fiftk Shred•lte to the Constitution of India. published in the Madhya Prade.h (Asadharan) the 7th June, 1984, paga 1621-22. Suk*.by M. P. Act 24 of '961, S.6for "Collector". 282 Dispoai of holdings Partition of holding. THE MADHYA PRADESH LAND REVFNCE (ODE. 1959 177. (1) If a Bhumiswami whose land has been assessed for the pur- pose Of agricultttre unde scelion 59, or who h ckis land for dwelling purposes, dies, without known heirs, the [rrahsildar]L possession of land and may lease it for a period of year at a time. (2) If within three years of the date on which the [Tahsildar]l takes possession of the land any claimant applies for the. holding being restored to him, the [Tahislclar]l may, after such enquiry as he thiiLks fit, place such claimant in possession Of the land Or reject his claim. (3) The order of the [Tahsildar]l passed undet sub-section (2) sham not be subject to appeal or revirion but any person whose claim is rejected under sub-section (2) may, within one year from tho date of the cornrnunicatiOE1 of the order of the [Tahsildar]l file a civil suit to establish his title, and if such suit is fileds the [Tahsiidar]l shall con tinuc id lease out the land as provided in sub- till the decision of the suit. section (1) (4) If no claimant appears within thlee ycars from the date on which the [Tahsildar]l took possession of the land or if a claimant whose claim has been rejected under sub-section (2) does not file a suit within one year as provided in Nib-section (3), the [Tahsildar]l may sell the decez,ged Bhumiswami's right in the holding by auction. (5) Notwithstanding anything containe-:l in any lawf or the time being in force a claimant who establishes his title in land which has been dealt with in accordance with the provisions of this section, shall be crtitled only to rents payable under sub-section (1) and the sale proceeds realized under sub- section (4) less all sums due Oil the holding on account of land revenue and the expenses of mana«ement and sale

178. If in any holdincr, which has been assessed for Liu? pose Df agriculture under section 59, there are more than one Bhumiswami anv such Bhumisw•arni may apply to a Tahs'ldar for a partition of his share in the holding : [Provided that if any question of title.is raised the Tahsildar shau the proceeding before him for a period of three months to facilitate the institu- tion of a civil suit for deterrninatiDn or the question of title. 12 r (I-A) a civil suit is filed within the period specified in the pzoviso to the sub-section (1), and stay 01 der is obtained from the civil courC, Tahsildar shall stay his proceedings peoding the decision of the civil court. ff no civil suit is filed within the said period, he s_han vacate the stay order and proceed tn partition the holding in accordance with the ca tries in the record of rights. 13 (2) The Tahsildar, may, after hearing the co-tenure h divide the holding and apportion the assessment of the G]ding in accordance with the rntes made under this Code. (5) Explanation ---Por

purposes of this section any co-sharer of the holding of a Bhumiswami who has obtained a declaration of his title in such holding from a competent Civil Court shall be deemed to be a co-tenure holder of such holding. [Esplanado n. S. 4. subs. by M. P. Act 24 of 1961, S. 12, for omc«". subs. by M. P. Act 1B 8.20). by S.2(ii). ibid. by M. P. Act 25 1964, S.20. THE MADHYA PRADESH LAND REVENUE CODE. (1) Subject to the provisions of sections 240 and 241 all trees standing in the holding of a Bhumiswami shall belong to him. (2) Nothing in sub-section (1) shall affect any right in trees in the holding of Bhumiswami in favour of any person existing on the date of the coming into force of this Code, but the Bhumiswami may apply to the Tahsildar to exercise the right through the tahsildar in to fix the value or such manner as may be prescribed. 180. (1) The transfer by a Bhumiswami of any trees standing in any land comprised in holding except the produce of such trees shall be void unless the land itself is transferred. (2) Trees standing in any land comprised in the holding of a Bhumiswami shall not be attached or sold in execution of a decree or order of Civil Court or under an order of a Revenue Officer or under an order made unless the land is attached or sold in pursuance of any provisions of any law for the time being in force and itself is attached or sold

CHAPTER XIII Government Lessees and Service Land Every person who holds land from the State Government or to whom a right to occupy land is granted by the State Government or to Collector and who is not entitled to hold land as a Bhurniswami shall be called a Government lessee in respect Of such land. (2) Every person who at the coming into of this Code— (a) holds any land in the Madhya Bharat region as an ordinary tenant as defined in Revenue and Tenancy Act Sarnvat 2007 (66 of 1950); Or (b) holds any land in the Vindhya Pradesh region as a special tenant as defined in the Vindhya Pradesh Land Revenue and Tenancy Act, 1953 (III of 1955), or as a gair haqdar tenant any grove or tank or land which has been acquired or which is required for Government or public purposes; Or (c) holds any land from the State Government in the Sironj region as a gair khatedar tenant as defined in the Rajasthan Tenancy Act, 1955 (3 of 1955) ; shall be deemed to be a Government lessee in respect Of such land. 182. (1) A Government lessee shall, subject to any express provisions in this Code, hold his land in accordance with the terms and conditions of the grant, which shall be deemed to be a grant within the meaning of the Government Grants Act, 1895 (XV of 1895). (2) A Government lessee may be ejected from his land by order of a Revenue Officer on one or more of the following grounds, namely (i) that he has failed to pay the rent for a period of three months from the date on which it became due; or (ii) Rights to trees in holding. Restriction on transfer of Government Rights and liabilities of a Government lessee—re. 283 (iii) that he has used such land for purposes other than for which it was granted; or that the term of his lease has expired; or that he has contravened any of the terms and conditions of the grant P. 25 of 1964, S.21, 2-94 Service Land THE MADHYA PRADESH LAND REVENUE CODE, 1959 Provided that no order for ejectment of a Government lessee under this sub-section shall be passed without giving him an opportunity of being heard in his defence. 183. (1) Any person holding land on the condition of rendering service as village servant shall cease to be entitled to such land if he diverts such land to non-agricultural purposes. (2) A transaction by which village servant attempts to transfer his interest in his service land by sale, gift, mortgage, sub-lease or Otherwise except by a sub-lease for a period not exceeding one year, shall be void. (3) If the holder of such land dies, resigns or is lawfully dismissed, the land shall pass to his successor in office. (4) The right of the holder in such land shall not be attached or sold in execution of a decree nor shall a receiver be appointed to manage such land under section 51 of the Code of Civil Procedure, 1908 (V of 1908)

184. If the Collector declares that the services rendered by a village Disposal of land in Sironj Region when service.no Longer servant in any village in the Sironj region are no longer required, such village required. Oecupancy servant shall become a Bhumiswami in respect of his service land and be liable to pay land revenue accordingly

185. CHAPTER--XIV Occupancy Tenants (I) Every person who at the coming into force of this Code holds—(i) in the Mahakoshal region— (a) any land, which before the coming into force of the Madhya Pradesh Land-Revenue Code, 1954 (11 of 1955), was malik-makbuza and of which such person had been recorded as an absolute occupancy tenant; or (b) any land as an occupancy tenant as defined in the Madhya Pradesh Land Revenue code, 1954 (11 of 1955); or (c) any land as an ordinary tenant as defined in the Madhya Pradesh Land Revenue Code, 1954 (11 of 1955); or (ii) in the Madhya Bharat region— (a) any Inam land as a tenant, or as a sub-tenant or as an ordinary tenant; or Explanation— The

expression 'Inam land' shall have the same meaning as assigned to it in the Madhya Bharat Muafi and Inam Tenants and Sub-Tenants Protection Act, 1954 (32 of 1954). (b) any land as ryotwari sub-lessee as defined in the Madhya Bharat Ryotwari Sub-Lessee's Protection Act, 1955 (29 of 1955); or (e) any Jagir land as defined in the Madhya Bharat Abolition of Jagirs Act, 1951 (28 of 1951), as a sub-tenant or as a tenant of a sub-tenant; or (d) any land of a proprietor as defined in the Madhya Bharat Zamindari Abolition Act, 1951 (13 of 1951), as a sub-tenant or a tenant or a sub-tenant: (i) in the Vindhya Pradesh Region any land as a sub-tenant of a pachtan pachtalis tenant, pattedar tenant, grove holder of a tank as defined in the Vindhya Pradesh Land Revenue and Tenancy Act, 1953 (III of 1955); THE MADHYA PRADESH LAND REVENUE CODE, (iv) in the Bhopal region— (a) any land as a sub-tenant as defined in the Bhopal State Sub-tenants Protection Act, 1952 (VII of 1953) or (b) any land as a shikmi from an occupant as defined in the Bhopal State Land Revenue Act, 1932 of 1932; or (v) in the Sironj region,— (a) any land as a sub-tenant of a khatedar tenant or grove holder defined in the Rajasthan Tenancy Act, 1955 (3 of 1955); or (b) any land as a sub-tenant or tenant of Khudkasht as defined in the Rajasthan Tenancy Act, 1955 (3 of 1955); shall be called an Occupancy tenant and shall have all the rights and be subject to all the liabilities conferred or imposed upon an occupancy tenant by or under this Code. (2) Moreover any land referred to in (c) or (d) of clause (ii) of sub-section (1) is at the time of coming into force of this Code, in actual possession of a tenant or a sub-tenant, then such tenant and not the sub-tenant shall be deemed to be the occupancy tenant of such land. (3) Nothing in sub-section (1) shall apply to a person who at the coming into force of this Code, holds the land from a Bhumiswami who belongs to any one or more of the classes mentioned in sub-section (2) of section 168. (4) Nothing in this section shall affect the rights of a sub-tenant of a tenant of a sub-tenant belonging to any of the categories (c) and (d) of clause (ii) of sub-section (1) to acquire the rights of a pakka tenant in accordance with the provisions of the Madhya Bharat Abolition of Jagirs Act, 1951 (28 of 1951), or of the Madhya Bharat Abolition Act, 1951 (13 of 1951), as the case may be. Notwithstanding any agreement or usage or any decree or order of a court or any law to the contrary, the maximum rent payable by an occupancy tenant in respect of the land held by him shall not exceed in the case of any class of irrigated land— four times the land revenue assessed on such land; in case of bandh land in the Vindhya Pradesh region— three times the land revenue assessed on such land; and (c) in any other case— two times the land revenue assessed : [Provided that where such land is exempted from payment of land revenue under section 58-Aj [the maximum rent shall be reduced by the amount of land revenue so exempted under the said section. Moreover land has not been assessed to land revenue, the multiples aforesaid shall be calculated on the basis of the land revenue assessable on such land,] [(1) Where an occupancy tenant pays his rent in kind, in terms of grain, he may, apply of service, labour, crop share or a specified 1959 Maximum rent. Commutation. 285 to 2. 3. the Sub-Divisional Officer for commutating the same into Subg. by M. P. Act 20 of 1968, S.3. subs. by M. P. Act 5 of 1969, s.g. subs. by M. P. Act of 1961, S. 13. 286 THE MADHYA PRADESH LAND REVENUE CODE, 1959 (2) On receipt of an application under sub-section (1), [the Sub-Divisional Officer shall after holding an enquiry commute by an order in writing such rent into cash, which shall not exceed the maximum rent laid down in section 186. 188. (1) The rent payable by an occupancy tenant shall, as from the commencement of the agricultural year next following the date of the coming into force of this Code, be the maximum rent laid down in section 186 or in the rent agreed upon between the tenant and his Bhumiswami is less than the maximum rent, then such agreed rent. [Provided that where the agreed rent is payable in kind, the tenant shall be liable to pay, until such rent is commuted into cash under section 187 the maximum rent laid down in section 186.] (2) Every occupancy tenant shall pay the rent to his Bhumiswami on or before such date as may be prescribed in that behalf. Resumption by Bhumiswami in 189. (1) A Bhumiswami whose land is held by an occupancy tenant certain [belonging to any of the categories specified in sub-section (1) of section 185, except in items (a) and (b) of clause (i) thereof] may, if the area of land under his personal cultivation is below twenty-five acres of unirrigated land, within one year of the coming into force of this Code, make an application to the Sub-Divisional Officer for resumption of land held by his occupancy tenant for his personal cultivation. (2) On receipt of the application, the Sub-Divisional Officer shall, after hearing the parties and making such further enquiry as may be necessary decide the application : Provided that the right of resumption shall be limited to the area which together with the area already under the personal cultivation of the Bhumiswami shall not exceed twenty-five acres of unirrigated land : Provided further that no resumption shall be allowed so as to

reduce the total area of land in possession of the occupancy tenant below: twenty-five acres of irrigated land if the occupancy tenant has been holding such land from a Bhumiswami not belonging to any of the classes mentioned in sub-section (2) of section 168, for more than five years prior to the coming into force of this Code: ten acres in any other case. (3) Where under an order passed under sub-section (2) the Bhumiswami is allowed to resume a part of the land held by the occupancy tenant from such Bhumiswami, the Sub-Divisional Officer shall select and demarcate the land allowed to be resumed in accordance with such rules as may be made in that behalf. The resumption shall be allowed only if the Bhumiswami agrees to pay the occupancy tenant such compensation as the Sub-Divisional Officer may, after hearing the parties, fix for the improvement effected by the occupancy tenant for the land allowed to be resumed by the Bhumiswami. The Sub-Divisional Officer shall also in such a case fix the rent in the prescribed manner in respect of the land left with the occupancy tenant. (4) Every order allowing resumption shall take effect from the agricultural year next following the date of the order and the tenancy of the occupancy tenant in respect of the land resumed shall stand terminated.

2. Added by M.P. Act 24 of 1961, S. 14. ibid. Subs. by S. 15, ibid for 'transfer an occupancy tenant belonging to any of the categories specified in items (a) and (h) of clause (i) of sub-section of section 185'. THE MADHYA PRADESH LAND REVENUE CODE, Explanation. For the purpose of this (1) the land under the personal cultivation or shall 1959 287 include— land transferred by him after the January 1959; and or otherwise on or (b) any land allowed by him to lie fallow. (2) One acre of irrigated land shall be deemed to be equal to two acres of unirrigated land and Vice versa. 190. L (1) Where a Bhumiswami whose land is held by an occupancy tenant belonging to any of the categories specified in sub-section (1) of section 185 except in items (a) and (b) of clause (i) thereof fails to make an order under sub-section (1) of section 189 within the period laid down therein, the right of a Bhumiswami shall accrue to the occupancy tenant in respect of the land held by him from such Bhumiswami with effect from the commencement of the agricultural year next following the expiry of the aforesaid period. (2) Where an application is made by a Bhumiswami in accordance with the provision of sub-section (1) of section 189, the rights of a Bhumiswami shall accrue to the occupancy tenant in respect of the land remaining with him after resumption if any allowed to the Bhumiswami with effect from the commencement of the agricultural year next following the date on which the application is finally disposed of. [(2-A) Where the land of a Bhumiswami is held by an occupancy tenant other than an occupancy tenant referred to in sub-section (1), the right of a Bhumiswami shall accrue to the occupancy tenant in respect of such land— in the case of occupancy tenants of the categories specified in items (a) and (b) of clause (i) of sub-section (1) of section 185, with effect from the commencement of the agricultural year next following the commencement of the Madhya Pradesh Act; in any other case, with effect from the commencement of the agricultural year next the date on which the right of an occupancy tenant accrues to such (3) Where the rights of a Bhumiswami accrue to an occupancy tenant under sub-section (1), [sub-section (2) or sub-section (2-A)] such occupancy tenant shall be liable to pay to his Bhumiswami compensation equal to fifteen times the land revenue payable in respect of the land in five equal annual instalments. each instalment being payable on the date on which the rent payable under section 188 for the corresponding year falls due, and if default is made in payment, it shall be recoverable as an arrear of land revenue: Provided that if from any cause the land revenue is suspended or remitted in whole or in part in any area in any year, the annual instalment of compensation payable by an occupancy tenant holding land in such area in respect of that year shall be suspended and shall become payable one year after the last of the remaining instalments. (4) Any occupancy tenant may at his option pay the entire amount of compensation in a lump sum, and where an occupancy tenant exercises this option, he shall be entitled to a rebate at the rate of ten per cent. Conferral of Bhumiswami rights on occupancy tenant. 2. 3. subs. by M. P. Act 24 of 1961, S. 16(i). Added, by S. 16 ibid. by S. 16(i), Mad (or "or sub-section (2)") 288 THE MADHYA PRADESH LAND REVENUE CODE. Restoration of occupancy tenant, Devolution of right of occupancy tenant* Termination tenancy. (5) The amount of compensation whether paid in a lump sum or in annual instalments, shall be deposited in the number and form as may be prescribed by the occupancy tenant with the officer for payment to the Bhumiswami. Where the rights of a Bhumiswami in any land accrue to an occupancy tenant under this section, he shall be liable to pay the land revenue payable by the Bhumiswami in respect of such land with effect from the date of accrual of such rights. 19} OT "an order of resumption is passed under sub-section (2) of section 189 for the land to be resumed by the Bhumiswami. The order shall take effect from the agricultural year next following the date on which the order is passed, the

occupancy may, in the manner as is prescribed, make an application to the Sub-Divisional Officer for restoration of land to him, Provided that the occupancy tenant not be entitled to make the application if he in any way obstructs the Bhumiswami in taking or cultivating such land, and (2) receipt of the application, the Sub-Divisional Officer may, after to him by the Bhumiswami or any person claiming to be the Bhumiswami, and where such order is passed, the occupancy tenant, he placed in possession of the land from the date of the commencement of the agricultural year next order and the rights of Bhumiswami shall then accrue to him and the provisions of section 190 except sub-section (2) thereof shall apply accordingly. (3) If there is any dispute regarding the rent payable for the land restored under sub-section (2) it shall be decided by Sub-Divisional Officer. (4) Where any land is restored to ten; under sub-Bhumiswami against vestment is ordered, shall for section be debarred [vol resumption, tenant under section 189. 192. by inheritance or survivorship 193. (1) The tenancy of an occupancy tenant shall, on his part be to termination by order of the Sub-Divisional Officer on any or the following grounds, namely: (a) he has failed to pay on or before the due date in any agricultural year the rent of such land for the year; or he has done any act which is destructive or permanently injurious to the land; or he has used the land for a purpose other than agriculture in the land in contravention of section 195. the the g. ('2b Xcordet' for the termination of his rights the: land on the part of a) of sub-section (1) be passed: unless the: has by notice called upon the occupancy tenant to tender the cost of proceedings within such period may be specified by and the tenant has failed to deposit the same in the court within the period required within the period. Subs. by M. P. Act 24 of S. 7, 'Revenue Off-icer'. sub* by S. 17. ibid. suk. by M. P. Act 8B of 1961. S.4. MADHYA PRADESH LAND REVENUE CODE (3) NO proceedings OR the ground specified in clause (b) of sub-section (1) shall lie unless the Bhumiswami of such land has served on the occupancy tenant a notice in writing specifying the act of destruction or injury complained of and the tenant has failed within a period of six months from the date of receipt of notice or within such further period as the Sub-Divisional Officer may grant to restore the land to the condition in which it was before such destruction or injury. 194. (1) The following provisions shall be applicable in the case of termination of every occupancy tenant whose tenancy is terminated, namely:— (a) if the occupancy tenant has, before the date of termination, sown or planted crops in any land comprised in the holding he shall be entitled, at the option of the Bhumiswami of such land, either to retain possession of such land and to use it for the purpose of tending and gathering in the crops, or to receive from the swami of such land, the value of the labour and capital expended by him in preparing such land and sowing, planting and tending such crops, together with reasonable interest thereon; (b) if the occupancy tenant has, before the date of termination prepared for sowing any land comprised in his holding, but has not sown or planted crops thereon, he shall be entitled to receive from the Bhumiswami of such land the value of the labour and capital expended by him in preparing such land together with reasonable interest thereon Provided that— (i) an occupancy tenant shall not be entitled to retain his land or receive any sum in respect thereof under this section if, after the commencement of proceedings by the Bhumiswami of such land for termination, he has cultivated or prepared such land contrary to local usage; (ii) the rent, if any, payable to the Bhumiswami of such land by the occupancy tenant at the time of termination may be set off against any sum payable to the occupancy tenant under this section; (c) if the occupancy tenant has, before the date of termination, effected any improvement on any land comprised in his holding, he shall be entitled to receive from the Bhumiswami of such land such compensation for it as the Revenue Officer may, after hearing the parties, determine. (2) . The Revenue Officer terminating the tenancy shall determine the amount, if any, payable under sub-section 195. (1) No occupancy tenant shall be entitled to transfer by way of occupancy tenant's rights of sale, gift, mortgage, sub-lease or otherwise his right in the land or any portion thereof, and every such sale, gift, mortgage, sub-lease or other transfer shall be voidable, as provided in section 197 . Provided that a sub-lease may be granted by or on behalf of an occupancy tenant if such person belongs to any of the categories mentioned in sub-section (2) of section 168. Explanation - For the purposes of this section the expression 'sub-lease' shall be construed as having the same meaning as assigned to 'lease' in section 103 of the MADHYA PRADESH LAND REVENUE CODE, 1959 Right of occupancy tenant make improvement. Right of certain person to set aside by Revenue Officer. (2) Nothing in sub-section (1) shall prevent an occupancy tenant from transferring his holding or any part thereof by sale or gift to any co-tenant or any

person or if he survived the tenant will' nearer heirs, would inherit the holding. (3) Nothing in this section shall prevent an occupancy tenant from transferring any right in his land to secure payment of, or shall affect the right of the State Government to sell such land for the recovery of an advance made to him under the Land Improvement Loans Act, 1883 (IX of 1883), or the Agriculturists' Loans Act, 1884 (XII of 1884). (4) Nothing in this section shall prevent an occupancy tenant from transferring any right in his holding to secure payment of an advance made to him by a co-operative society or shall affect the right of such society to seek such right for the recovery of such advance. (5) Except in pursuance of a transfer permitted under any of the foregoing provisions, or in the case of proceedings for recovery of arrears of any annual instalment of compensation, no decree or order shall be passed for the sale of the interest of an occupancy tenant in his nor shall such interest be attached or sold in execution of any decree or order nor shall a receiver be appointed to manage such holding under section 5 of the Code of Civil Procedure nor shall such interest vest in the Court or in a receiver under the Provincial Insolvency Act, 1920 (V of 1920).

196. An occupancy tenant of land held for the purpose of agriculture is entitled to make any improvement thereon for the better cultivation of the land or its more convenient use for the purpose aforesaid. (1) If an occupancy tenant transfers his rights in his holding or any portion thereof in contravention of section 195, any co-tenant or any person who, if he survived the tenant without nearer heirs, would inherit the holding or the Bhumiswami of whom such person holds the land, may apply to the Sub-Divisional Officer to be placed in possession and the Sub-Divisional Officer, may in accordance with the rules made under section 258 place the applicant in possession subject to his acceptance of the liabilities of the occupancy tenant for arrears of rent and for advance for necessary expenses of cultivation. (2) Where more persons than one apply under sub-section (1), they shall be entitled to be placed in possession in the following order of priority:— (i) any person who if he survived the tenant would inherit the holding; (ii) co-tenant; and (iii) Bhumiswami of whom the occupancy tenant holds the land. 19B. (1) Any occupancy tenant may, by executing in favour of the Bhumiswami not less than thirty days before the commencement of the agricultural year a registered document, surrender his rights and thereupon he shall cease to be an occupancy tenant from the agricultural year next following such date. No surrender shall be valid unless effected by a registered instrument. (2) Notwithstanding anything to the contrary in the Indian Stamps Act, 1899 (11 of 1899) or the Indian Registration Act, 1908 (XVI of 1908), instrument* of surrender executed by occupancy tenants in pursuance of the provisions of this section, shall be exempted from payment of stamp duty and registration fee chargeable thereon. (3) On a bill executed under sub-section (1), a Bhumiswami shall be entitled to take possession of land only to the extent of his resumption under section 189 and the excess land, if any, shall vest in the State Government. (4) Where any land vests in the State Government under sub-section (3), the Bhumiswami shall specify such land within the prescribed period and in the prescribed manner and on his failure to do so within such period, such land shall be specified by the Sub-Divisional Officer. (5) After such land has been specified in accordance with the provisions of sub-section (4), the Sub-Divisional Officer shall demarcate it in accordance with such rules as may be made in that behalf and also fix the land revenue in respect of land resumed by the Bhumiswami. (6) Every Bhumiswami shall give a written receipt for the amount of rent at the time when such amount is received by him in respect of any land in such form and in such manner as may be prescribed.

200. If any Bhumiswami fails to give a receipt as required by section 199 in excess of the rent payable under 199 or receives by way of any amount this Code, he shall, on the application of the occupancy tenant be liable by an order of the Tahsildar to refund the excess amount recovered and to pay as penalty a sum not exceeding two hundred rupees, or, if double the amount of the total rent recovered exceeds two hundred rupees, not exceeding twice such amount and the Tahsildar may direct that the whole or part of such sum shall be adjusted towards the amount of compensation payable by the occupancy tenant. (t) If from any cause the payment of the whole or any part of the rent of land is remitted or suspended, the land revenue payable in respect of any land the Collector may, by general or special order, remit or suspend, as the case may be, the payment of the rent, of such land, to an amount which would bear the same proportion to the whole of the rent payable in respect of the land as the land revenue of which the

payment has been remitted or suspended, bears to the whole of the land revenue payable in respect thereof, and may distribute the amount so remitted or suspended amongst the occupancy tenants holding such land in such manner as may seem to him to be equitable having regard to the effect on their holdings of the cause which has led to the remission or suspension of the land revenue. (2) If the payment of rent has been suspended, the period of suspension shall be excluded in the computation of the period of limitation prescribed for the recovery of such rent. (3) The provisions of sub-sections (1) and (2) shall apply to land of which the land revenue has been wholly or in part released, compounded for or redeemed, in any case in which if the land revenue in respect of the land had not been released, compounded for or redeemed, the whole or any part of it might in the opinion of the Collector, have been remitted or suspended. 202. (1) If any person who immediately before the coming into force of this Code held land in any region in any of the capacities mentioned in section 185, has been ejected or dispossessed of any land held by him during the three years immediately preceding the coming into force of this Code, otherwise than by process of law, may within two years from the date of coming into force of this Code, apply to the Tahsildar for his reinstatement in such land (2) If any person who on the coming into force of this Code, holds land as an occupancy tenant has been ejected from or dispossessed of any land held by him, after the coming into force of this Code in contravention of its provisions may within two years from the date of such ejection or dispossession, apply to the Tahsildar for his reinstatement in such land (3) On receipt of an application under sub-section (1) or (2) the Tahsildar shall, after making an enquiry into the respective claims of the parties, Receipt. Penalty for failure to give receipt or recovery. Remission and suspension of rent consequent on like Government Land Reinstatement Act 1922 Alluvium and Diluvion Power to make and decide disputes THE MADHYA PRADESH LAND REVENUE CODE, 1959 decide the application and when he orders LIEC restoration of the possession to the occupancy tenant, put him in possession of the land. (4) The Tahsildar may, at any stage of enquiry pass under sub-section (3) an interim order for handing over the possession of the land to the applicant, if he finds that he was ejected or dispossessed by the opposite party within months prior to the submission of the application under sub-section (1) or (2), and the opposite party shall, if necessary, be ejected under his order. (5) When an interim order has been passed under Sub-section (4), the Opposite party may be required by the Tahsildar, to execute a bond such sum as he may deem fit for abstaining from taking possession of land until the final order is passed by him. (6) If the person executing a bond is found to have entered into or taken possession of the land in contravention of the bond, the Tahsildar may forfeit the bond in whole or in part and may recover such amount as an amount of Land revenue. (7) If the order passed under sub-section (3) is in favour of the applicant, the Tahsildar shall also award a reasonable compensation to be paid to applicant by the opposite party. Provided that the amount of compensation shall not exceed ten times the revenue of the land for each year's Occupation. (8) The compensation awarded under this section shall be recoverable as an arrear of land revenue. (9) The Tahsildar shall have the power to review suo-motus cases of wrongful ejection, or dispossession, whether by surrender or otherwise occupancy tenants in any areas to be notified by the State Government in this behalf. Where action is taken under this sub-section, the provisions of the foregoing sub-sections shall, as far as may be, apply, CHAPTER—XV Alluvion and Diluvion 203. (1) Alluvial land formed on any bank shall vest in the State Government but the Bhumiswami, if any, of the land adjoining such bank shall be entitled to the use of the alluvial land so added to his holding free from the payment of land revenue during the current term of settlement, unless the area added to his holding exceeds one acre. (2) When the area of the alluvial land added to a holding exceeds one acre and it appears to the Sub-Divisional Officer that such land may, with due regard to the interest of the public convenience and public revenue, be disposed of, he shall direct such land in Bhumiswami rights to the Bhumiswami of holding at a premium which shall not exceed twenty times the fair assessment of the land so formed. If the said Bhumiswami shall refuse the offer, the Sub-Divisional Officer may dispose of the land [in the prescribed manner.] (3) Where any holding is diminished in area by diluvion to an area greater than one acre, the land payable such holding shall 204- (1) The Sub-Divisional Officer shall have power, subject to the rules made under this Code, to assess, increase and reduction in land revenue which are required or permitted under this Chapter. (2) The Sub-Divisional Officer shall also have power to decide any dispute which may arise relating to the distribution of alluvial land among the various Bhumiswarnis claiming such land. 205. 206, THE MADHYA PRADESH LAND REVENUE CODE, 1959 Consolidation of In this Chapter— (i) holdings" means the redistribution of all of

the land in a village, so as to allot to the Bhumiswami contiguous plots of land for the convenience of cultivation; (b) "Consolidation Officer" means a Revenue Officer, not below rank of a Tahsildar, appointed by the State Government for any district or district to exercise the powers, and to perform the duties of Consolidation Officer under this Code. (1) two or more Bhumiswamis in a village holding together less than the minimum area of land prescribed by rules made under section 221, may apply in writing stating such particulars as may be prescribed by rules made under section 221, to the Consolidation Officer for the consolidation of their holdings. (2) The Collector may of his own motion direct the Consolidation Officer to make an enquiry into the feasibility of consolidation of holdings in any village. (3) two-thirds of the Bhumiswamis in a village apply for consolidation of their holdings or if in the course of an enquiry into an application made under sub-section (1) or sub-section (2) two-thirds of the Bhumiswamis of the village make an application agreeing to the consolidation of their holdings, such application shall be deemed to be the application on behalf of all the Bhumiswamis of the village- (4) If in a case falling under sub-section (3), any scheme of consolidation of holdings is confirmed, it shall be binding on all the Bhumiswamis of the village, and on any persons who may subsequently be entitled to hold or occupy the land. (5) In any other case, if any scheme of consolidation of holdings is confirmed, it shall be binding on the applicants and those who have agreed to the consolidation of their holdings and on any persons who may subsequently be entitled to hold or the land affected by the scheme. 207. On receipt of any such application or at any stage of the proceedings thereon, there appears to be good and sufficient reason for rejecting the application or for excluding the case of any applicant from consideration, the Consolidation Officer may submit the application to the Collector with a recommendation that the application be rejected in whole or in part, or that the proceedings be quashed. (2) The Collector, on receipt of the recommendation, may accept it and pass orders accordingly or may order further inquiry. If the Consolidation Officer admits the application, he shall proceed to deal with the same in accordance with the procedure laid down by or under this Code. (1) If the Bhumiswamis making the application under section 206 submit a scheme of consolidation of holdings mutually agreed to, the Consolidation Officer shall, in the manner laid down by rules made under section 221 examine it and, if necessary, modify it. (2) If no scheme is submitted with the application, the Consolidation Officer shall prepare a scheme for the consolidation of holdings in the manner laid down by rules made under section 221. Rejection of consolidation of holdings. 294- NE MADHYA PRADESH LAND REVENUE CODE, 1959 on confirmation (3) If the Consolidation Officer is of the opinion that the redistribution of land in accordance with a scheme of consolidation will have the result of allotting to any Bhumiswami a holding or land of a less market or productive value than that of his original holding or land, the scheme may provide for the payment of compensation to such Bhumiswami by person or persons as the Consolidation Officer may direct. (4) When the scheme of consolidation is complete, the Consolidation Officer, after considering and as far as possible removing the Objections, if any, made to the scheme, shall submit it for confirmation to the Collector. (5) When the scheme of consolidation is complete, and if all the Bhumiswamis affected by such scheme, agree to enter into possession of the holdings allotted to them thereunder, the Consolidation Officer may allow them to enter into such possession from a date to be mentioned in the scheme

210. The Collector may either confirm the scheme with or without modifications or refuse to confirm it after considering the objection or objections, if any, to the scheme of consolidation and the of the Consolidation Officer. The decision of the Collector, subject to any order that may be passed in revision by the Settlement Commissioner under section 50, shall be final. (1) Upon confirmation of the scheme of consolidation, the Consolidation Officer shall, by demarcate the boundaries of the holdings necessary and shall proceed to announce the decisions finally made and cause to be prepared in accordance with the scheme, a new field map, record-of-rights, other records prescribed under section 14, Nistar Patrak and Wajib-ul-arz. (2) The new records prepared under sub-section (1) shall be deemed to have been prepared under Chapter IX of the Code, as the case may be

212. The Bhumiswami affected by the scheme of consolidation, if they or any of them are not entered into possession under sub-section (5) of section 209, shall be — (1) entitled to possession of the holdings allotted to them under the scheme, from the commencement of the agricultural year next following confirmation; and the Consolidation Officer shall, if necessary, put them, by warrant in possession of the holdings to which they are entitled; Provided that if

all the Bhumiswamis agree, they may, after confirmation, be put into possession of their holdings by the Consolidation Officer from any earlier date. (1) Notwithstanding anything contained in this Code, the rights of Bhumiswamis in their holdings shall, for the purpose of giving effect to any scheme of consolidation affecting them, be transferable by exchange or otherwise and no person shall be entitled to object to or interfere with any transfer for the said purpose. (2) The Consolidation Officer may also transfer by exchange or otherwise any land belonging to the State Government where such transfer is necessary for the purpose of giving effect to any scheme of consolidation

214. Notwithstanding anything contained in any law for the time being in force (a) no instrument in writing shall be necessary in order to give effect to a transfer involved in carrying out any scheme of consolidation of holdings; and (b) no such instrument, if executed, shall require registration. (1) The Consolidation Officer shall, unless the State Government directs otherwise, recover from the Bhumiswamis whose holdings are affected by the scheme for consolidation of holdings, the costs of carrying out the scheme, which shall be assessed in accordance with rules made under section 221. (2) The Consolidation Officer shall apportion costs among the Bhumiswamis liable to pay them according to the occupied area of the holdings affected by the scheme

216. Any amount payable as compensation under sub-section (3) of section 209, or as costs under section 215, may be recovered as an arrear of land revenue. 217. When an application for the consolidation of holdings has been admitted under section 208, no proceedings for partition of the holdings which will affect the scheme of consolidation shall be commenced and all such proceedings pending shall remain in abeyance during the continuation of the consolidation proceedings

218. When an application for the consolidation of holdings has been admitted, a Bhumiswami upon whom the scheme will be binding shall have power, during the continuance of the consolidation proceedings, to transfer or otherwise deal with any part of his original holding or land so as to affect the rights of any other Bhumiswami thereto under the scheme of consolidation

219. A Bhumiswami shall have the same rights in the holding or land allotted to him in pursuance of a scheme of consolidation as he had in his original holding, if the holding of any Bhumiswami brought under the scheme 220. If a holding is validly burdened with any lease mortgage or other encumbrance, such lease, mortgage or other encumbrance, and shall attach to the holding allotted to him under the scheme or to such part of it as the Consolidation Officer, subject to any rules that may be made under section 221, may have appointed in preparing the scheme and thereupon, the lease, mortgage or other encumbrance, as the case may be, shall cease to have any right in or gain in the land from which the lease, mortgage or other encumbrance has been transferred. (2) Notwithstanding anything contained in sub-section (1) or any other enactment for the time being in force the Consolidation Officer shall, if necessary, put any lessee or any mortgagee or other encumbrancer entitled to possession, by warrant, into possession of the holding or part of a holding to which his lease, mortgage or other encumbrance has been transferred under sub-section (1) (1) The State Government may make rules for the purpose of 221. carrying into effect the provisions of this Chapter. (2) In particular and without prejudice to the generality of the foregoing power, the State Government may make rules— (a) prescribing the minimum area of land to be held by the persons making an application under sub-section (1) of section 206; (b) providing for the particulars to be contained in any application made under section 206; (c) providing for the procedure to be followed by the Consolidation Officer in dealing with applications for the consolidation of holdings and for the appointment and constitution of any Advisory Committee or Panchayat to assist the Consolidation Officer in the examination or preparation of the scheme; (d) for determining the compensation to be paid in cases falling under sub-section (3) of section 209; (e) for regulating the assessment of costs under section 215; (f) for the recovery of and cost of suspension of partition proceedings during currency of consolidation Transfer of property during proceedings. Rights of Bhumiswamis after consolidation same as before. Encumbrance of Bhumiswamis. Power to make rules under section 221. (j) for determining the market or productive value of the different holdings and lands brought under any of consolidation; (k) for the guidance of the Consolidation Officer in respect of encumbrances and leases under section 220; (h) generally for the Consolidation Officer and Officers and persons in all proceedings

under this Chapter. CHAPTER—XVII Village and Group Villages. 222. (1) Subject to rules made under section 258, the Collector appoint for each village Or group villages one or more patels. (2) When there are two or more patels in a village, the Collector may distribute, subject to rules made under section 258, duties of the office patel in such manner as he may think fit, [(3) Where in the Vindhya Pradesh region, a patwari has been performing the duties imposed on a patel under this Code immediately before the commencement of this Code, he shall continue to perform such duties and shall be deemed to be Patel for purposes of this Code, until a Patel is appointed under sub-section (1) .11 223. The remuneration Of Patels shall be fixed by the Collector in accordance with rules made by the State Government

224. It shall be the duty of every patel—to collect and pay into the Government treasury land (a) and cesses payable through him and such other Government dues ordered to be collected by him; to furnish reports regarding the State of his village at such places and times as the Collector may fix in this behalf; as far as possible to prevent encroachments on waste land, public paths, and roadways in the villages; to preserve such stations and boundary marks erected in his (d) village by surveyors in the service of Government as may be made over to his care and to report any damage caused to such marks ; subject to rules made under section 258, to keep the village in good sanitary condition; to prevent unauthorised cutting of wood or unauthorised removal of any minerals or other properties belonging to the State Government; to control and superintend the kotwar, to report his death or absence from his duty and (o) take such steps as may be necessary to compel him to perform his duties; (h) to perform such other duties as may be prescribed by rules made under section 258, as may be. by M. P. Act 24 of 1961, s

18. THE MADHYA PRADESH LAND REVENUE CODE

225. If by any enactment for the time being in force, any public duties are imposed on or public liabilities are declared to attach to landholders, their managers or agents, such duties shall be deemed to be imposed upon and such liabilities shall be held to attach to patels appointed under this Code : Provided that nothing herein contained shall discharge the land-holders, their managers or agents from any duties or liabilities otherwise imposed upon them by law

226. Subject to rules made under section 258, the Collector may remove from office any patel

227. A Patel who is found negligent in the performance of any duty assigned to him under section 224 or 225, shall be liable under the order of the Tahsildar to a fine which may extend to twenty rupees

228. Where a patel is temporarily unable to perform his duties, the Sub-Divisional Officer may, on his application or otherwise, appoint a substitute for a period of not exceeding, six months and the substitute so appointed shall, for all the purposes of this Code, be deemed to be a patel.229, Notwithstanding anything contained in this Code, the State Government may entrust the management of a village or the performance of the duties entrusted to a patel, to a Gram Panchayat or where a Gram Panchayat has not been constituted, to a Gram Sabha constituted in accordance with the provisions of section 232. B— Kotwars 230, (1) For each village Or group of villages, there shall be appointed, in accordance with rules made under section 258, one or more kotwars for the performance of such duties as may be prescribed • provided that in Nandhya Bharat region the duties of kotwars under this section shall be performed by the Police Chowkidars who shall, on the coming into force of this Code, be deemed to be kotwars under this section, and be subject in respects to the control of Revenue Officers. (2 ; Every son who at the coming into force of this Code holds the post of a village watchman in the Bhopal and Sironj regions or of a chow kidar in the Vindhya Pradesh region shall be deemed to be a kotwar under this section

231. The State Government may, by general order, subject to such restrictions, terms and conditions as may be mentioned therein, fix the remuneration of Kotwars either prospectively or retrospectively but such retrospective effect shall not be from a date earlier to the 1st March, 1982.)

1 C— Gram Sabha (1) For the purpose of the management of a village, the State Government may establish a Gram Sabha for a village Or a group of villages for which a Gram Panchayat has not been constituted under the law in force relating to panchayats. (2) The Gram Sabha shall consist of one Chairman, one Secretary and not less than three other members who shall be elected in the prescribed manner by the adult residents of the village Or group of villages for which the Gram Sabha is established. (3) The term of the Office. Of members shall be five years. (4) Every Gram Sabha shall be a body corporate and shall have perpetual succession and common seal and shall, by its name, sue and be sued. Subject to any

rules made in this behalf, it shall also have power to acquire, hold or transfer property movable and immovable, to enter into contracts and do all things necessary for the purposes of performing the duties entrusted to it. 1. by M. P. Act 31 of 1982, S. 2. 1959 297 Duties imposed upon any land holders deemed to be imposed on Patels. Removal of Patels. Punishment of Patels. Appointment of Entrustment of village management. Appointment of kotwars and their duties. Remuneration of kotwar. Gram Sabha 298 THE MADHYA PRADESH LAND REVENUE CODE, 1959 Record of unoccupied land. of Nistar Patrak. (5) Every Gram Sabha shall establish and maintain a fund and into such fund shall be paid— (i) all sums recoverable as grazing fees and such other fees and income, arising from the management of the village as the State Government may prescribe; and all sums contributed by the State Government or any local body or any private person. Such funds shall be applicable to the payment of charges and expenses incidental to the several matters under the control and administration of the Gram Sabha. (6) The Collector shall exercise supervision over the working of the Gram Sabha and may for sufficient cause dissolve any Gram Sabha and appoint any person to perform its functions until it is reconstituted. (7) In any village or group of villages for which a Gram Panchayat under the law in force relating to panchayats has been established, such Gram Panchayats shall perform the duties imposed upon and exercise the powers of a Gram Sabha under this Code, and the Gram Sabha shall cease to exist. (8) The State Government may, by notification, delegate to the Gram Sabha such the duties of the Panchayat or any other function in connection with agricultural or industrial development of a village as it may think fit. CHAPTER—XVIII Rights in unoccupied land and its produce 233. A record of unoccupied land shall, in accordance with rules made in this behalf be prepared and maintained for every village showing separately. (a) unoccupied land set apart for exercise of nistar rights under section 237. (i) The [Sub-Divisional Officer] shall, consistently with the provisions of this Code and the rules made thereunder, prepare a Nistar Patrak embodying a schedule of management of all unoccupied land in a village and all matters incidental thereto and more particularly matters specified in section 235. (2) A draft of the Nistar Patrak shall be published in the village and after ascertaining the wishes of the residents of the village in the prescribed manner, it shall be finalised by the Sub-Divisional officer. (3) On a request made by the Gram Sabha, or where there is no Gram Sabha, the application of not less than one-fourth of the residents of a village: or on his own motion the Sub-Divisional Officer may, at any time, modify any entry in the Nistar Patrak after such enquiry as he deems fit. the Nistar Patrak 235. The matters which shall be provided for in Part II to be provided shall be as follows, namely: in Nistar Patrak. (a) terms and conditions on which grazing of cattle in the village will be permitted; (b) the terms and conditions on which the extent to which any resident may obtain— (i) wood, timber, fuel or any other produce; (ii) 'arid' omitted by L.T. P. Act 25 of 1953 by S. 23 (ii), ibid. Sub. by M. P. Act 24 of 1961, S. 4, inserted by 'Collector'. THE MADHYA PRADESH LAND REVENUE CODE, (i) moat, tank, kankar, sand, earth, clay, stones or any other minor mineral; (c) instructions regulating generally the grazing of cattle and the removal of the articles mentioned in paragraph (b); (d) any other matter required to be recorded in the Nistar Patrak by or under this Code. 236, In preparing the Nistar Patrak as provided in section 235, the Collector shall, as far as possible, make provision for— (a) free grazing of the cattle used for agriculture; (b) removal free of charge by the residents of the village for their bona fide domestic consumption of— produce; (ii) minor minerals; (c) the concessions to be granted to the village craftsmen for the removal of the articles specified in clause (b) for the purpose of their craft. (i) Subject to the rules made under this Code the Collector may set apart unoccupied land for the following purposes, namely: (b) (c) (d) (f) (g) (i) for timber or fuel reserve; for pasture, grass or fodder reserve; for burial ground and cremation ground; for gaol; for encamping ground; for threshing floor; for bazar; for skinning ground; for manure: for public purposes such as schools, playgrounds, parks, roads, lanes, drains and the like; and for any other purposes which may be prescribed for the exercise or right of Nistar. (ii) Provision in Nistar Patrak for certain matters. Collector to set apart land for exercise of Nistar rights. Right in waste land or another Tillage. (2) Lands specially reserved for any purpose mentioned in sub-section 1 shall not be diverted without the sanction of the Collector. Where the Collector is of the opinion that the waste land in any village is and it is in public interest to proceed under this section, he may, after enquiry as he deems fit, order that the residents of the village shall have a right of nistar or a right of grazing of cattle, as the case may be, in the village to the extent specified in the order. (2) If a village having a right of grazing cattle in the neighbouring village under sub-section (1) or Government forest may make an application to the Collector for recording their right of

passage for the purpose of exercising the rights. (3) If, on enquiry into an application made under sub-section (2), that the right of passage is reasonably necessary to or in the Government forest, he shall pass an order declaring their right to and shall state the conditions upon which it shall be exercised. 309 THE MADHYA PRADESH LAND REVENUE CODE, 1959 Rights in fruit bearing plants in unoccupied land. Prohibition of cutting certain trees. Measures to prevent theft of timber from Government forest. (4) The Collector shall further determine the route of passage, and shall restrict such route in such manner as to cause minimum inconvenience to the residents of the village through which it passes. (5) The Collector may, if he thinks fit, demarcate such route. (6) Orders passed by the Collector under this section shall be recorded in the Nistar Patrak. (7) Where the villages mentioned in sub-section (1) lie in different districts the following provisions shall apply, namely: (a) the Orders specifying the right of nistar or the right of grazing cattle shall be passed by the Collector in whose district the village over which such right is claimed lies; (b) any orders regarding route of passage shall be passed by the Collector in whose respective jurisdiction the area over which passage is allowed lies; (c) the Collector passing an order in accordance with clauses (a) and shall consult in writing the other Collector concerned. 239. (1) Where, before the coming into force of this Code any fruit bearing tree was planted by any person in the unoccupied land of any village, and is so recorded, then notwithstanding that such land vests in the State Government, such person, and his successors in interest shall from generation to generation be entitled to possession and usufruct of such trees without payment of any royalty or other charge whatsoever therefor. (2) Any person desiring to plant fruit bearing tree in the unoccupied land of any village may do so with the previous permission of the Tahsildar and the provisions of sub-section (1) shall, as far as may be, apply to the fruit bearing tree, planted in accordance with the permission obtained under this sub-section. (3) The right conferred under this section shall be transferable but the person planting the fruit bearing tree or his successor in interest shall have no right to the corpus of such tree or the land which it stands. (4) If any dispute under this section it shall be decided whose decision shall be final by the Tahsildar. (5) The State Government may make rules regulating the grant of permission and the exercise of the right conferred under this section. If the State Government is of the opinion that the cutting of 240. any tree is detrimental to public interest or that it is necessary to prohibit or regulate the cutting of certain trees for erosion of soil, it may, by order in this behalf, prohibit or regulate the cutting such trees whether such trees stand on the land belonging to Bhumiswami or on land belonging to State Government. (2) In framing rules under sub-section (1), the State Government may provide that all or any of the rules shall only to such area as the State Government may, by notification, specify. (3) The State Government may make rules regulating the control, management, felling or removal of the forest growth on the lands belonging to the State Government. If the State Government is satisfied that in order to prevent 241. the theft of timber from any Government forest it is necessary in the public interest to regulate felling and removal of timber in the villages comprised the State Government may, by an order in any area adjoining such forests, published in the Gazette, declare such area to be a notified area for purpose of this section. 1. sub., by M. P. Act 24 of 1961 S.I. for "Revenue Offer". THE MADHYA PRADESH LAND REVENUE CODE. (2) Every order published under sub-section (1) shall be the villages comprised in the proclaimed in the prescribed manner in all notified area. (3) Notwithstanding anything contained in section 179 but subject to the provisions of sub-section (55, when an order has been proclaimed in any village under sub-section (2), no person shall in pursuance of a transaction of sale, or for purposes of trade or business any timber tree in any holding in such village or remove the corpus of any such tree from any such holding except in accordance with such rules as may be made in that behalf. (4) Any person who contravenes or attempts to contravene or abets the contravention of the provisions of sub-section (3) or of any rule made shall, without prejudice to any other action that may be taken thereunder, against him, be liable on the order in writing of the Collector, to pay a penalty not exceeding one thousand rupees as may be imposed by him and the Collector may, further order confiscation of any timber trees felled in contravention of the provisions of this sub-section. (5) Nothing in sub-sections (3) and (4) shall apply to the felling or removal of timber trees by any person from lands [and his bona-fide agricultural or domestic purposes, if such felling or removal is otherwise in accordance with the other provisions of this Code. (1) As soon as may be after this Code comes into force, the 242 [Sub-Divisional Officer or Shal], in the prescribed manner, ascertain and record the customs in each village in regard to— (a) the right to irrigation or right of way or other (b) the right to fishing; in any land or water not belonging to or controlled or managed by the State

Government or a local authority and such record shall be known as the Wajib-ul-arz of the village. (2) The record made in pursuance of sub-section (1), shall be published by the [Sub-Divisional Officer] in such manner as may be prescribed. (3) Any person aggrieved by any entry made in such record may, within one year from the date of the publication of such record under sub-section (2), institute a suit in a civil court to have such entry cancelled or modified. (4) The record made under sub-section (1) shall, subject to the decision of the civil court in the suit instituted under sub-section (3), be final and conclusive. (3) The [Sub-Divisional] Officer may, on the application of any person interested therein or on his own motion, modify an entry or insert any new entry in the Wajib-ul-arz on any of the following grounds : (a) that all persons interested in such entry wish to have it modified; or (b) that by a decree in a civil suit it has been declared to be erroneous; or (c) that being founded on a decree or order of a civil court or on the order of a Revenue Officer it is not in accordance with such decree or order; or (d) that being so founded, such decree or order has subsequently been varied on appeal, revision or review; or (e) that the civil court has by a decree determined any Custom existing in the village. subs. by M. P. Act 24 of 1961 S.4, for "Collector". 301 392 MADHYA PRADESH LAND REVENUE CODE. 1959 243 . (1) Where the area reserved for abadi is in the opinion of the Collector insufficient, he may reserve such further area from the unoccupied land in the village as he may think fit. (2) Where unoccupied land for purposes of abadi is not available, the State Government may acquire any land for the extension of abadi. (3) The provisions of the Land Acquisition Act, 1894 (1 of 1894), shall apply to such acquisition and the compensation thereon shall be payable for the acquisition of such land in accordance with the provisions of that Act

244. Subject to rules made in this behalf the Gram Panchayat or where a Gram Panchayat has not been constituted, the Tahsildar shall dispose of sites in the abadi area. Right to hold house site free 245.

A building site of reasonable dimensions in the abadi shall not be liable to the payment of land revenue if such site is occupied by a person who holds land or works as an agricultural artisan or an agricultural labourer in such village or in a village usually cultivated from such village. Right or persons holding house 246. Subject to the provisions of section 244 every person who at the time coming into force of this Code lawfully holds any land as a house site in the abadi or who may hereafter lawfully acquire such land shall be a Bhumiswami in respect of such land 1 [Provided that the allotment of house site under Gramin Avas Yojna to a landless person on or after the commencement of 'The Madhya Pradesh Land Revenue Code (Amendment) Act, 1973 shall be subject to the following conditions-- (i) that the allottee shall build a house on such land within a period of [five years] 2 from the date of allotment; (ii) that the allottee shall not transfer the land allotted to him or his interest therein during a period of [ten years] 3 from the date of allotment; (iii) that in case of breach of any of the above conditions the land shall Vest in the State Government with effect from the date of breach. Explanation.—For the purpose of this section 'Gramin Avas Vikas Yojna' means the scheme sponsored by the Government of India for the provision of house sites in rural areas whereunder, on 100% grant assistance from the Government of India, the State Governments are to provide house sites free of cost to families of landless workers in rural areas who do not already own a house site or a built up house or a hut on land of their own.] Government's title to minerals. (1) Unless it is otherwise expressly provided by the terms of a grant made by the Government, the right to all minerals, mines and quarries shall vest in the State Government which shall have all powers necessary for the proper enjoyment of such right (2) the right to all mines and Quarries includes the right of access to land for the purpose of mining and quarrying and the right to occupy such other as may be necessary for purposes subsidiary thereto, including the erection of Offices, workmen's dwellings and machinery, stacking of minerals and deposit of refuse, the construction of roads, railways or tram-lines, and any other purposes which the State Government may declare to be subsidiary to mining and quarrying. (3) if the Government has assigned to any person its right over any minerals, mines or quarries, and if for the proper enjoyment of such right, it is necessary that all or any of the powers specified in sub-sections (1) and should be exercised, the Collector may, by an order in writing, subject to such conditions and reservations as he may delegate such powers to 2. 3. whom the right has been assigned : Added by M. P. Act 29 of 1975 by M. P. Act 9 of 1975, S. 2(ii). Sub by S.2(ii). ibid, for yeus. THE MADHYA PRADESH LAND REVENUE CODE. 1959 Provided that no such delegation shall be made until notice has been duly served on all persons having rights in the land affected, and their objection have been heard and considered. (4) If, in the exercise of the right herein referred to over any land, the rights of any person are infringed by the occupation or disturbance of the surface of such land, the Government or

its assignee shall pay to such persons compensation for such infringement and the amount of such compensation shall be calculated by the Sub-Divisional Officer, or, if his award is not accepted, by the Civil Court, as nearly as may be, in accordance with the provisions of the Land Acquisition Act, 1894 (1 of 1894). (5) No assignee of the Government shall enter on or occupy the surface of any land without the previous sanction of the Collector, and unless the compensation has been determined and tendered to the persons whose rights are infringed. (6) If an assignee of the Government fails to pay compensation as provided in sub-section (4), the Collector may recover such compensation from him on behalf of the persons entitled to it, as if it were an arrear of land revenue. (7) A person who without lawful authority extracts or removes minerals from any mine or quarry, the right to which vests in, and has not been assigned by, the Government shall, without prejudice to any other action that may be taken against him, be liable, on the order in writing of the Collector, to pay a penalty not exceeding a sum calculated at double the market value of the minerals so extracted or removed. Provided that if the sum so calculated is less than one thousand rupees, the penalty may be such larger sum not exceeding one thousand rupees as the Collector may impose. (8) Without prejudice to the provisions in sub-section (7) the Collector may seize and confiscate any mineral extracted or removed from any mine or quarry the right to which vests in, and has not been assigned by the Government. Explanation.—In this section, "minerals" include any sand or clay which the State Government may declare to have a commercial value or to be required for any public purpose. [248. (1) Any person who unauthorisedly takes or remains in possession of any unoccupied land, abadi service land or any other which has been set apart for any special purpose, under section 237 or upon any land which is the property of Government, may be summarily ejected by order of the Tahsildar and any crop which may be standing on the land and any building or other work which he may have constructed thereon, if not removed by him within such time as the Tahsildar may fix shall be liable to forfeiture. Any property so forfeited shall be disposed of as the Tahsildar may direct and the cost of removal of any crop, building or other work and of all works necessary, to restore the land to its original condition shall be recoverable as an arrear of land revenue from him. Such person shall also be liable at the discretion of the Tahsildar to pay the rent of the land for the period of unauthorised occupation at twice the rate admissible for such land in locality and to a fine which may extend to (five thousand) 2 rupees and to a further fine which may extend to for every day on which such unauthorised occupation or possession continues after the date of first ejection. The whole or any part of the fine may be applied to compensate persons, who in his opinion have suffered loss or injury from the encroachment: Provided that the Tahsildar shall not exercise the powers conferred by this sub-section in regard to encroachment made by buildings or works constructed— the Mahakosha region— in areas other than the merged States before the first day of September 1, 1973. s.4. by M. P. Act 44 of 1974, S. 2 (a), for, "one thousand". Proviso to unauthorisedly taking possession of land. 304 Regulation of fishing, hunting, etc. THE MADHYA PRADESH LAND REVENUE CODE, 1959 (b) in the merged States, before the third day of April, 1950; (ii) in the Madhya Bharat region, before the fifteenth day of August, 1950; in the Vindhya Pradesh region, before the first day of April, (iv) in the Bhopal region, before the eighth day of November, 1933. (c) in the Sironj region, before the first day of July, 1958. Explanation. For the purposes of this sub-section States shall have the jurisdiction assigned to them in the Madhya Pradesh Merged States Laws, (State) Act, 1950 (XII of 1950). (2) It shall not be competent to the Tahsildar to impose a fine of amount exceeding [one thousand five hundred] rupees but if in any case he considers that circumstances of the case warrant imposition of a higher fine, he may refer the case to the Sub-Divisional Officer who shall, then, after giving the party concerned an opportunity of being heard, pass such orders in respect of fine as he may deem fit. [(2-A) If any person continues in unauthorised occupation or possession of land for more than seven days after the date of order of ejection under sub-section then without prejudice to the fine that may be imposed thereunder the Sub-Divisional Officer shall cause him to be apprehended and shall send him with a warrant to be confined in a civil prison for a period of fifteen days in case of first ejection and three months in case of second or subsequent ejection: Provided that no action under this sub-section shall be taken— (i) unless a notice is issued calling upon such person to appear before the Sub-Divisional Officer on a day to be specified in the notice and to show cause why he should not be committed to the civil prison; (ii) in respect of encroachments on Government and Nazul lands for the settlement of which the Government have issued orders from time-to-time. Provided further that the Sub-Divisional Officer may order the release of such person from detention

before the expiry of the period mentioned in the warrant if he is satisfied that the unauthorised possession has been vacated Provided also that no woman shall be arrested or detained under this sub-section. (2-B) The State Government may make rules for the purpose of carrying into effect the provisions Of sub-section (2-A). IS (3) No order under sub-section (1) shall prevent any person from establishing his rights in a Civil Court. (4) 13 249. (1) The State Government may make rules for regulating--- (a) fishing in Government tanks; catching, hunting or shooting of animals in villages; and by M. P. Act of 1974, S.2(b). for 'two hundred and fifty'. . by M. P. Act 12 s.2(1). Omitted by S. 2(2), ibid

3. THE MADHYA PRADESH LAND REVENUE CODE, 199 1305 to the removal of any materials from lands belonging (c) State Government.(2) Such rules may provide for the issue of permits, the conditions attaching to such permits and the imposition of fees there for and other incidental matters. 250. [0] If a Bhumiswami is dispossessed of the land otherwise in due course of law or if any person unauthorisedly continues in possession of any land of the Bhumiswami to the use of which such person has ceased to be entitled under any provision of this Code, the Bhumiswami or his Successor in interest may apply to the Tahsildar for restoration of the possession, as the case may be; (a) in case of Bhumiswami belonging to a tribe which has been declared to be an aboriginal tribe under sub-section (6) of section 165, (i) before the 1st July 1978 in cases of unauthorised dispossession prior to the 1st July, 1976: and (ii) in any other cases within five years from the date of dispossession or from the date on which the possession of such person becomes unauthorised, as the case may be; (b) in case of a Bhumiswami not covered by clause (a), within two years from the date of or from the date on which possession of such person becomes unauthorised, as the case may be. For the purposes of this section and section 250-A Bhumiswami shall include occupancy tenant and Government lessee. 12 [(1-a) If a Bhumiswami is dispossessed of the land otherwise than in due course of law or if any person unauthorisedly continues in possession of any land of the Bhumiswami to the use of which such person has ceased to be entitled under any provision of this Code the Bhumiswami or his successor in interest may apply to the Tahsildar for restoration of the possession.—, in case of Bhumiswami belonging to a tribe which has been declared to be an aboriginal tribe under sub-section (6) of section 165, (i) before the 1st July 1978 in cases of unauthorised dispossession prior to the 1st July 1976; and (ii) in any other cases within five years from the date of dispossession or from the date on which the possession of such person becomes unauthorised, as the case may be; (b) in case of a Bhumiswami not covered by clause (a) within two years from the date of dispossession or from the date on which possession of such person becomes unauthorised, as the case may be.]3 Subs. by M. P. Act 6 of 1976, S.6. Ins., in application to Scheduled by Government of Madhya Pradesh. Revenue Department's Notification F. No. 7D-VII.N.Z-B3, dated the 5th January, 1984, by the Governor of Madhya Pradesh under sub-paragraph (1) of paragraph 5 of the Fifth Schedule to the Constitution of India, published in the Madhya Pradesh Rajpatra (Asadharan), dated the 6th January, 1984, pages 23-29. Existing sub-section (1) re-numbered as sub-section (1-a) in its application to the Scheduled Area. by Government of Madhya Pradesh, Revenue Department's Notification F. No. VI I-N.Z-B3, dated the 5th January 1984, issued by the Governor of Madhya Pradesh under sub-paragraph () or paragraph 5 of the Fifth Schedule to the Constitution of India, Published in the Madhya Pradesh Rajpatra (Asadharan) dated the 6th January, 1984, Page 23-29 306 TRE MADHYA PRADESH LAND REVENUE CODE. 1. Tahsildar on coming to know that a Bhumiswami or an occupancy tenant or a Government lessee has been dispossessed of his land in due course of law, shall not start proceedings under this section.] [The Tahsildar shall, after making an inter-leave into the respective of the parties, decide the application and he the possession to the Bhumiswami, put him in possession of the land. [(2-a) The proceedings started under this section shall, on receipt of reply from the other party, continue from day to day, and the application shall be recorded in writing and adjournment is considered necessary and in that case—a copy of the sheet containing reasons for such adjournment shall be to the Collector.] (3) The Tahsildar may at any time under sub-section (1) order for handing over the land to applicant, if he finds that he is opposite party, within six months prior to the submission of the application under this section. In such a case the opposite party shall, if necessary, be called for orders of the Tahsildar. The Tahsildar may at any stage of the enquiry pass an interim order for handing over the possession of the land to the Bhumiswami, occupancy tenant or Government as the case may be, if he finds that he was dispossessed by the opposite party within six months from the date of the application or the proceedings under this section. In such a case the opposite party shall, if necessary, be called for orders of the Tahsildar. When on interim order is passed under sub-

section (3) the opposite party may be required by the Tahsildar to execute a bond for such sum as the Tahsildar may deem fit for abstaining from taking possession of land until the final order is passed by the Tahsildar. (3) If the opposite party enters into or taken of the land in contravention of the bond, the Tahsildar may in or in part and may recover such amount as an arrear of land revenue. (6) If the order passed under section (2) is in favour of the applicant, the State Government shall award compensation to be paid to the opposite party in such manner as may be determined by the Government. (7) The compensation payable shall be recoverable as an arrear of land revenue. (8) When an order has been passed under sub-section (2) for the restoration of the possession of the land to the opposite party, the opposite party shall also be liable to fine which extend to such amount as may be determined by the Government.

3. Ins. in notification Areas. by or Madhya Pradesh. Revenue Department Notification No. 1-70. VI L.N.2-83. dated the 5th January. 1924. issued by the Governor of Madhya Pradesh under sub-paragraph (1) paragraph 5 of the Fifth Schedule of the Constitution of India, published in the Madhya Pradesh Gazette (Asadharan), dated the 6th January. 1984. pages 23-29. subs. by M. P. Act 15 of 1980. S. Added by M. P. Act 15 of 1971, S. 3, THE PRADESH LAND REVENUE CODE, Provided that it not be to the effect of amount exceeding one thousand five hundred rupees but if in special circumstances of the case warrant imposition of a higher fine he may refer the case to the Sub-Divisional Officer who shall, after giving the party concerned an opportunity of being heard, pass such order, fine as may deem fit. If any person continues in possession of land for more than seven days after the order for restoration of possession under section 250, then without the compulsion of law payable under sub-section (6) or the fine said section the Sub-Divisional Officer shall send him with a warrant to be confined in prison for a period of three months in the first instance or for restoration of the possession to such person: Provided that no action under this section shall be taken if a writ is issued calling upon such person to appear before the court on a day to be specified in the writ and to show cause why he should not be committed to the civil prison provided further that the Sub-Divisional Officer shall release from detention before the expiry of the period mentioned in the such warrant if he is satisfied that the unauthorised possession has been vacated, Provided no person shall be arrested detained under this section. State Government may make [2] the purpose into effect the provisions of sub-section (1) (1) A tank situated on unoccupied land on or before the date of coming into force of the Act, providing [or the, if the, rights of in the area concerned and over which the village rights of irrigation community were, immediately before such date, or nistar, shall, if not already vested in the State (or) vest in the State Government with effect from the 6th 1959. Provided that nothing in this section shall be taken effect of vesting; the tank of a in the tank on which shall be exercisable to the extent and subject the terms specified in the lease. Provided further that no tank shall vest in the State Government. (i) after making such enquiry as he deems fit, the Collector is satisfied that the tank fulfills the conditions laid down in this sub-section, and has been reserved on the interested and on the right of the person given to them for being Any person claiming in any such tank any interest other than the right of or nistar, may, within a period of [four years] from the date of vesting under sub-section (1) make an application in the prescribed form to the Collector for compensation in respect of his [(2-a) The provisions of section 239 shall apply to trees standing on the embankments of tank vested in the State Government under sub-section (1) as only to trees planted in an unoccupied land.] (5) Confinement in civil prison on failure to vacate possession under section 250. Vesting of tank in the State Government. 2. 3. 4

5. Ins. by M. P. Act 44 of 1974, S.3. Ins. M. P. Act 15 of 1980, S. 12. subs. by M. P. Act 38 of 1961, S.5(i). Sub-B. by S. 5(ii), ibid. for "two years". Ins. by S. 5 (iii); ibid. Maintenance of public utility. THE MADHYA PRADESH LAND REVENUE CODE. 1959 (3) Such compensation shall be fifteen times the land revenue assessable on the land covered by the tank and for purposes of assessment such land shall be treated as irrigated land of the same quality as the adjoining land. (4) The compensation as determined under sub-section (3) shall be paid by the Collector to the person or persons proved to his satisfaction to be owning interest in the tank concerned. (5) The payment of compensation under sub-section (4) shall be a full discharge of the State Government from all liability for compensation in res-

part of the tank concerned, but shall not prejudice any right in respect of such tank to which any other person may be entitled by due process of law to enforce against the person or persons to whom compensation has been paid as aforesaid. (6) The State Government may make rules providing for the regulation of the use of water from such tanks. (7) The vesting of any tank under sub-section (1) shall not affect the rights of irrigation and nistar in such tank to which any person is entitled immediately before the date of vesting. Explanation.— For the purposes of this section, tank includes the trees standing on the embankments of the tank but does not include buildings, temples or other constructions standing on the embankments thereof. 11 252. (1) It shall be the duty of the Gram Sabha to maintain and keep in proper repairs the works of public utility in the village. (2) Subject to rules made under this Code, the Gram Sabha may, by order in writing, call upon adult males residing in the village (except those who are old and infirm or subject to any physical disability) to perform such labour as it may specify in the order for keeping in a proper state of repairs such works of public utility in the village as may be notified by the State Government in that behalf. (3) No order under sub-section (2) shall be passed unless the works are of public utility and are likely to benefit generally the persons against whom the order is being made. A person required to perform labour under the provisions of sub-section (2), may have it performed by another on his behalf or pay for its performance at such rate as may be determined by the Tahsildar. (5) Any person who neglects or refuses to perform the labour referred to in sub-section (2) or fails to pay for the performance of labour as provided in sub-section (4) shall, on the order of the Tahsildar, be liable to pay a fine not exceeding the value of the labour at the rates determined by the Tahsildar under sub-section (4), and such amount shall be recoverable as an arrear of land revenue. Punishment for contravention (1) Except as otherwise provided in this Code, any person who acts in contravention of the provisions of this Chapter or rules made thereunder or who contravenes or fails to observe any rules or custom entered in the Wajib-ul-arz or commits a breach of any entry entered in the Nistar Patrak shall be liable to such penalty not exceeding one thousand rupees as the Sub-Divisional Officer may, after giving such person an opportunity to be heard, deem fit and the Sub-Divisional Officer may further order confiscation of any timber, forest produce, or any other produce which such person may have appropriated or removed from lands belonging to the State Government. (2) Where any contravention, breach or non-observance punishable under sub-section (i) has been committed by the Gram Sabha, every Officer in. Ins. by M. P. Act 38 of 196]. S.5 (iv). THE MADHYA PRADESH LAND REVENUE . In that sub-section unless he proves bearer of the Gram Sabha shall be liable that the contravention, breach or non-observance. (• 100k place without his breach or that he exercised all due diligence to prevent such non-observance. Where the Sub-Divisional passes an order imposing a penalty under this section, the fine may be applied to the cost of such measures as may be necessary to prevent or remedy the public owing to such contravention, breach or non-observance.

254. Any function assigned to Gram Sabha under this Chapter shall be performed by the patel until a Gram Sabha is duly constituted.

CHAPTER XIX Miscellaneous provisions relating to the Government of the Districts. (1) The Government may, by rules, regulate standards of efficient cultivation, the Government may, by rules, regulate standards of efficient cultivation, the Government may, by rules, regulate standards of efficient cultivation. (2) Such rules provide for the issue of directions as regards the methods of agriculture to be adopted, the use of improved seeds, the sale of surplus foodgrains, and for the proper utilisation of manure, proper wages and terms of employment of agricultural workers, and such other directions as may be necessary or desirable for the efficient utilisation of lands. (3) Such rules shall apply to all agriculturists who cultivate personally and limits as may be prescribed. (4) If an agriculturist to whom such rules apply under sub-section (3) fails to carry out the directions issued under sub-section (2), the State Government may have the directions carried out by any other agency in such cases as it deems fit and recover from him all such cost as may be incurred.

for— 1959 Burdery proof and bar lega; practitioners jn certain proceedit&'s. 'Gcneral rule power (Eii,• the terms and conditions of service of the Presideru and members the Board or Revenue constitmted under section 3: the prescription the duties of Superintendents of Land Records and Amistan(Supaintendents of Land Records: regulation of asse*ment of land revenue on diversion of iana to other purp0M% and imposition of prenũum nnder •ection 59; on unassessed land under section 60; formati01k of surve\ l'lumbers and v*llages linde-r se.ction 68 and the. minilnum extenE Of nurnl-,ers comprising 'and u\$d for agricultural purpmes; division of numbers into sub-divisions and apportionment af the assessment of survey nurnher amontr the. sub-divisions of a survey number under ; prescription of records in wh ich and assessment of survey numbers and sub-divisions Cif survey numbers shall entered under section 71; the manner uniting two altering the of dividing a village into t ivo more villages or more villages "Ito one or c.c.nstitnting village or limits of a village under section 73: Ins. by M. P. Act 1976, S. ; 31 2 by M. P. Act 24 1961, S 09 (D. MADHYA (x) . rtr' (xvi) (xxi) (exii) (xxiii) [(xxiv) (XXD) PRADESH LAND REVENUE CODE. 1959 Lhe necessary ILich Sha] bc completed and the



form in 4 tvhiell and the "-ith which the proposals for assessment. shall forwarded undt:t sa:ti0J' 7/ che manner in ""hic.h notice Di' assessment shall be given undel section 82; the manner of inquiry inio the profits of agricu)ture and into the value nf land used for agriculture and non-agricultural purposes under section 87; the regulation of the conduct revenue suz vey or settlement section 91 -A regulation of division of lands in urban areas into plht numbers, recognition of existing survey numbers as plot numbers, reconstitu- tion of plot numbers or formation of new plot numbers under section 93; the manner nf dividing sub-division« and n tunhers into apportioning the assessment of plot nurnber among the sub-divisions; and the limits either of area or of land revenue Or both in any local area for recogn_ ition of sub-divisions under section 94; prescription of records under section 95; prescription of OtiTer special purposes undet section 96: the maanr of publishing the standard rates under section 97 ; (a) the n.i'.nner of keeping record of all registered sales and leases of lands under sceli 98(! r b) determint tion of the avcrane annual lettin4 value or lands under 98 (m prescription of duties of patweris under sub'sex:tion (2) •icc tion prescription of other duties of Revenue Inspectörs under section 106; Dcescription of other particulars under section the prc*c*ription of the form of, and the additi6nal particulars to E-c entered in the papers to be included in the record Of rights under sector IDF,; form of acknowledgement to bk given bv patwari under section 109 (a) (b) the for entering prescr;ption of register under section 1 10(11 acquisition of rights reported' under section 09 prescription of Other persons and authorities to whom written in timation shall be given under section G(3) ; prescription of Other larid recOrds under section 114(1), Description fee on the payment of which Rasid Bahi shall be provided under section 114(2) ar.d the prescription oi of en tries which it shall contain regulation of rxnnis*ition of assistance under section 120; prep"" sectiop] 21; main tenance and revision of land records under 1985, s.5, Subs. Subs. Subs. by M. P. Act by M P. 196 (xxuiii) (xxi.r) (xxx) (rxxihi) (xxxiv) (xxxy) [(xxxDitr1 (xxxviii) (xxxix) THE MADHYA PRADESH LAND REVENUE COPE, manner H'hich objection shall be of bs' r] ahsildar undet section 23(3) (a) specification of, and manner of construction and maintenance of, boundary marks of villages and sure" numbers or plot numbers under section 124 (3); and (b) the manner of distribution of the cost of construction Oi neq boundary marks among the holdms of lands under section 24(4) the manner of demarcating boundary rz_arks bnwten a villasc road, village waste or land rBerved for communal purposes and the land aajoining it and the manner in which ihey Sha]] be kept in repair renewal : the procedure of dernarcating the boundaries of survey sub-divisions, or plot numbers, the- nature Dt- boundary marks and the levy of fees under 129 : the dates on which and the instalments in h land shall be payable and the persons whom and the place, whereat xnch instalments shall be paid section 140: the form in which shall be give" nnder set-I 'On 142; the regulation of remission Dr suspension of land revenue under section the guidance of Revenuc (ffccrs in issuill" noticers of dcm;md under welinn 146 and executing Lhc processes specified in section 147; prescription Of the fonn Of application [f6r grant nf annuity. the time within which such application >ball be mader and the con. ditions Of such krant under section the regulation of rtdueLion of revenue during the currency of settlement under section 161 ; prewr;ption of the ceiling limits nf under 165; prescuipcion of the manner in wliicjl land forfeited under section 166 shall be Elec*.ed dcmareat.:d and land revenue. fixed on land left with regulation of the procedure in disposing of claims to be placed in posesion of a holding under section 170; 1959 .313 (xLa) the m and manner in which info' mation shall be notified (xti) (xlii;) to subdivisional Öffcer under sub-section (h) of section regulation of g-ra.nt or refusal 01 permssion to a Bhumiswami for divasion of his holding or any palt thereof undeT section 172; regulation of relinquishment of righ*s by a Bhumiswami under section 173; prescription of the terms and conditions on which a person may be put in possession of an abandoned holding under section 176 (2) 2, 3

4. Ins. by M. P. Act 25 of 1964, s.m Subs. by M. P. Act 24 of 1961, S. 19(ii), for, "(or grant of annuity".

Omitted by M. P. Act 25 of 1964, S. 24 (iii). Ins. by M. P. Act 1980, S.13. 314 IT-IE MADHYA

PRADESH LAND REVENUE CODE, 1959 (xiv) (a) regulation of partition of holdings and apportionment Of assessment, under section 1 78(2); and (xlv) guidance Of Revenue Officers with regard to applications for purchase. Of right in trees under section 1 79(2); 12 (xlvii) prescription Of the manner of selection and demarcation of land allowed to be resumed- by a Bhumiswami under section 189 and the fixation of land revenue on it fixation of ment in respect of land left with the occupancy tenant; (xlviii) prescription of the manner and the



form in which amount Of compensation shall be deposited by an occupancy tenant payable to hig Bhumiswami under section 190(5) ; [(xlüiii-A) prescription of time within which an application under sub- (xlix) (1) (E) (liz) (liii) (liv) rav) (l) of section 191 Shal] be made;] 3 section the regulation of the procedure in disposing of claims to be placed in possession of an occupancy holding which has been transferred under section 197; prescription of the manner of selection and demarcaGon of land vesting in the State Government and the fixation of land revenue On the land reserved by the Blutmiswami under section 198(4) ; the form and the manner in wh.äch the rcccpit for rent shall be given under section 199 : the regulation of assessment of increase and reduction ill land revenue required or permitted under Chapter X V; the regulation of appointment of patels vnder secticn 222 (l), lthe manner Of distribution of duties of the cffce of paler & ere are two or more patels in a village, fixation of rtrr.uneration of a pa tel, and prescription of additional duties of pate] ur.dcr section 224 and his removal from cffce under section 226 and the ap- pointment of a substitute under section 228; the regul?tion of the sanitation of hiria! cl 11 c of animals, the protection and fencing of (Yc cf village roads and like matters of village self-gcverrr.rrent fcr ract included within the area of a municipality or a municipal corpor- ation, or a notified mea committee or a Grzm Panchayat; (a) (a) (c) the arpointrr.ent, er:G ensicn tr_d disn- cf Kotwats,] the prescription of the duties end m cee cf svvcrvsion of the regulation of procedure fcr the cf a Cram Sabha under section 232, the manner in which a Grzm SZET-a ? (quire. hc?d cr transfer property movable end enter into con- tracts, etc., under section 232 and sums to be recovered as fees and other incomes by a Gram Sabha; . Omitted by M.P. Act 25 of 1964, S. 24, (iii). Omitted, ;bid

2. Ins. M P. Act 24 of 1961. S. 19 (iii). 3. su&. by M. P. Act 31 of 1982, S.3. 4. 315 (loi0 (lviii) (tix) (lxi) (lxii) (lxiz) (lxiv) (lxv) (Ixtn) (lxvit) (txtiit) (txi*) (lxx) (Zxxi) THE MADHYA PRADESH LAND REVENUE CODE. 1959 prescription of the record to be maintained under sccl1011 233; the manner in which the wishes of the villagC1s Bhall be ascertained under section 234(2) ; (a) regulation of setting apart of unoccupied land for the exacise of nistar rights under section 237(1); and (b) other purposes for the exercise of nistar rights under section 237(1) the regulation ot the gant of permission for the plantation of fruit bearing trees and for exercise of r5ghLs under section 239; the regulation of the cutting of trees under ser.tiov. 240(1), and Of con trol, management, felling or removal af the forest growth section 240 (3) ; prescription Of the manner of proclaiming an order published under section 241 and regulation Of the ft Ning or removal Of trees _thereunder ; (a) the Of ascu taining and recording the {n regard to matters specified in section 242(1); and (b) the manner of publication Of record of customs under section 242 (2) ; prescription of the mannff of disposal cf sites in the abadi area under section 244 ; regulation of fishing, catching hunting or shcoting of anin% Is in villages and removal of any materials from land belongir,g to the State Government unde• section 249 ; (a) prescription of the form of applica under section 251 and (b) the regulation of the usc Of water frm tanks under section 251 (6) ; the regulation of prccedt't'e cf Ike Gra•r S', [l ' ill calling upon persons residing in the village to perform under section 252; prescr?ption of standards of cultivati(n ar.d maregcn-:er.t under section 255; prescription of conditions for inspect;cn e r.d grzr•t of copies of records, maps and land records under section 256; generally for the guidance of Revenuc C:ffcers and all other pesons in proceedings under this Code any other matter which has to be or may be prescribed. (3) All rules made under this section shall be subject to the condition Of previous publication. (4) All rules made under this Code shall be laid on the table of the Legislative Assembly aud shall be subject to such modifications as the Legislative Assembly may make

259. Any reference, in any enactment to,—[(a) A Bhumiswami or a Bhumidhari in the Mahakoshal region;) I . Ins. by M. P. Act 24 of 1961,S.20. Réerence to catain tenure. 3 16 Reference to raws nol in in any region R elRai and Te•uitory provision. THE MADHYA PRADESH LAND REVENUE CODE, 1959 tenant. muafidar, *Ila mdar or a concxssional holder in the Madhya Bharat region;) J' (b) a pachpan paintalis tenant, pattcdar tenant, grove holder or a holder of a tank in the Vindhya Pradesh region; (c) a kha tedar tenant or a grove holder in the Sir04j region; and (d) an occupant in the Bhopal region ; shall be deemed to be a reference to a Bhumiswami

260. Any r&ence in this Code to a Central Act which is not in force in any region of the State shall in relation to that region be construed as a réferenze to the corresponding law in force in that region.Explanadon.— For purposes of this section e expression "Central Act" shall have the same meaning as assigned to it in section 3 (7) of the General Clauses Act. 1897 (X of 1897)

261. The enactments specified in Schedule 11 are hereby repealed to the extent mentioned in the 4th column thereof : Provided that the repeal shall not affect—4 (b) (c) the previous operation of any law so repealed or anything duly done or suffered thereunder: or any right, privilege, Obligation or liability acquired, accrued or incurred under any law so repealed; or any penalty, forfeiture or punishment incurred in respect of any offence committed against any law so repealed; or any investigation, legal proceeding or remedy in respect of any such right, privilege, Obligation, liability, penalty, forfeiture or punishment as aforesaid; and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed as if this Act had not been passed : Provided further that subject to the preceding proviso: anything done (including all rules, assessments, appointments, action taken or merits and transfers made, notifications, summons, warrants and notices, proclamations issued, authorities and powers conferred, forms and leases granted, record-of-right cases, and other records framed or confirmed, rights acquired, liabilities incurred and times and places appointed; under any such enactment shall be deemed to have been done or taken under the corresponding provision of this Code and shall continue to be in force accordingly unless and until superseded by anything done or action taken under this Code. 262. (1) Save as otherwise expressly provided in this Code, all cases pending before the State Government or any Revenue Court in any region immediately before the coming into force of this Code, whether in appeal, revision, review or otherwise shall be decided in accordance with the provisions of the appropriate law, which would have been applicable to them had this Code not been passed. (2) Any case pending in Civil Court at the coming into force of this Code which would under this Code be exclusively triable by a Revenue Court, shall be disposed of by such Civil Court according to the law in force prior to the commencement of this Code. I. M. P. Act. 24 of 1961. S. 20. THE MADHYA PRADESH LAND REVENUE CODE, 1959 317 (3) All proceedings under any of the laws described in Schedule III pending before the State Government immediately before the commencement of this Code shall, on such commencement, stand transferred to the Board, and shall thereupon be disposed of by the Board as if they were proceedings entertained by the Board under this Code. Explanation.— For the purpose of this sub-section "State Government" shall include the Governor, Council of Ministers or a Minister. 263. (1) If any difficulty arises in giving effect in any region to the provisions of this Code, the State Government may, by order notified in the Gazette, make such provisions or give such directions as appear to it to be necessary for the removal of the difficulty. (2) A copy of the order passed under sub-section (1) shall as soon as may be after it is passed be laid before the Legislative Assembly

264. Nothing contained in this Code shall apply to a person who holds land from the Central Government.SCHEDULE (See section 41) RULES OF PROCEDURE OF REVENUE OFFICERS AND REVENUE COURTS ISSUE OF SUMMONS 1. Every summons shall be in writing, in duplicate and shall be signed and sealed by the Officer issuing it or by such person as he empowers in his behalf, and it shall specify the time and place at which the person summoned is required to attend, and also whether he is required to give evidence or to produce a document

2. Every summons to a party shall be accompanied by a concise statement about the subject-matter of the proceedings

3. A summons to produce documents may be for the production of certain specified documents or for the production of documents of a certain description in the possession or power of the person summoned.MODE OF SERVICE OF SUMMONS 4. Every summons shall be served by tendering or delivering a copy of it to the person summoned personally or to his recognised agent

5. Where the person summoned cannot be found and has no recognised agent, service may be made on any adult male member of the family of the person summoned, who is residing with him. Explanation.— A servant is not a member of the family within the meaning of this rule

6. Where the serving officer delivers or tenders a copy of the summons to the person summoned personally or to his recognised agent or Other person on his behalf, he shall require the signature of the person, to whom the copy delivered or tendered to an acknowledgment of service endorsed on the original summons.7 If service of the summons cannot be effected in the manner provided 4, 5 and 6. a person, he at the last known place of residence of the person summoned or at some place of public resort in such village. 31S THE MADHYA PRADESH LAND REVENUE CODE. 1959 8. Where a copy

of the summons is affixed as provided in rule 7, the serving officer shall return the original copy of the summons to the Court from which it was issued with a report endorsed thereon or annexed thereto stating that he has affixed the copy, the circumstances under which he did so and the name and the address of the person in whose presence the copy was affixed and where the copy is affixed at the last known place of residence of the person summoned the report shall also contain the name and address of the person, if any, by whom the house was identified

9. If the person summoned resides in another district, the summons may be sent by post to the Collector of such district for service. MODE OF COMPLIANCE SUMMONS 10. Subject to the provisions of the Code whoever is summoned to appear before a Revenue Officer to give evidence shall attend at the time and place named in the summons that purpose, and Whoever is summoned to produce a document, shall either attend to produce it, or cause it to be produced, at such time and place. MODE OF SERVING NOTICE 11. Every notice shall be served by tendering or delivering a copy of it to the person concerned personally or to his recognised agent : Provided that, where the recognised agent of the person concerned is a pleader, the notice may be served by leaving a copy thereof at his office or at the place of his ordinary residence, and such service shall be deemed to be as effectual as service on the recognised agent personally

12. Where the person concerned cannot be found and has no recognised agent, service may be made on any adult male member of the family of the person concerned, who is residing with him. Explanation—A servant is not a member of the family within the meaning of this rule

13. Where the serving officer delivers or tenders a copy of the notice to the person concerned personally or to an agent or other person on his behalf, he shall require the signature of the person, to whom the copy is delivered or tendered to an acknowledgment of service endorsed on the original notice

14. If service of the notice cannot be effected in the manner provided in rules 11, 12 and 13 a copy thereof may be affixed at the last known place of residence of the person concerned or at some place of public resort in the village in which the land to which the notice relates is situated or from which the land is cultivated

15. Where a copy of the notice is affixed as provided in rule 14, the serving officer shall return the original copy of the notice to the officer who issued it, with a report endorsed thereon or annexed thereto stating that he has so affixed the copy, the circumstances under which he did so, the name and address of the person in whose presence the copy was affixed and where the copy is affixed at the last known place of residence of the person concerned. the person by whom the report shall also contain the name and address of the house was identified. notice is to be served where the person to whom the notice is to be served resides in another district, the notice may be sent by post to the Collector of such district for service. MODE OF ISSUING PROCLAMATIONS 7 = Whenever a proclamation is issued under this Code; copies thereof shall be posted on the notice board of the office of the Revenue Officer issuing 319 THE MADHYA PRADESH LAND REVENUE CODE, 1959 it, at the head quarters of the tahsil within which the land to which it refers is situated, and at some place of public resort on or adjacent to the land to which it refers, and unless the officer issuing it otherwise directs, the proclamation shall be further published by beat of drum on or near the land to which it refers. ORDER 18. Every original order passed by Revenue Officer in any proceedings shall contain a concise statement of the case, the points for decision, the decision thereon and the reasons for such decision. ATTACHMENT 19. Attachment of movable property other than agricultural produce in possession of defaulter— (1) where the property to be attached is movable property other than produce, in the possession of the defaulter, the attachment shall be made by actual seizure, and the attaching officer shall keep the property in his own custody or in the custody of any of his subordinates and shall be responsible for the due custody thereof • Provided that, when the property seized is subject to speedy and natural decay or when the expense of keeping it in custody is likely to exceed its value, the attaching officer may sell it at once : Provided further that when the property attached consists of live-stock, agricultural implements or other articles which cannot be conveniently removed, and the attaching officer does not act under the first proviso to this rule, he may at the instance of the defaulter or any person claiming to be interested in such property, leave it in the village or at the place where it has been attached— (a) in the charge of the defaulter, or of the station pound-keeper, if any; or (b) in the charge of the person claiming to be interested in such property or of such respectable person as

will under-take to keep such property, on his entering into a bond with one or more sureties in an amount not less than the value of the property, that he will take proper care of such property and produce it when called for. (2) The attaching officer shall make a list of the property attached and shall obtain thereto the acknowledgment of the person in whose custody the property is left. and, if possible, of the defaulter and of at least one respectable person in attestation of the correctness of the list. If the property attached includes both live-stock and other articles a separate list of the live-stock shall similarly be prepared and attested. 20. (1) Where the property to be attached is agricultural produce, the attachment shall be made by affixing a copy of the warrant of attachment— (a) where such produce is a growing crop, on the land on which such crop has grown; or where such produce has been cut or gathered, on the threshing-floor or place for treading out grain or the like or fodder-stack on or in which it is deposited; and another copy on outer door or on some other conspicuous part of the house in which the defaulter ordinarily resides or if there is no such house, on the outer door or on some other conspicuous part of the house in which he carries on business or personally works for gain or in which he is known to have, last resided or carried on business or personally worked for gain; and the produce shall thereupon be deemed to have passed into the possession of the Court. 21. THE MADHYA PRADESH LAND REVENUE CODE, 1959 (2) The attaching officer shall make such arrangements for the custody of the agricultural produce as he may consider sufficient and also to tend, cut, gather and store the produce and do any other act necessary for maturing or preserving (3) The costs incurred under sub-rule shall be borne by the defaulter. If the defaulter, the expenses for enforcing it shall be charged at rate as the Collector may, by general or special order, fix. attached is movable property other than charge of the agricultural produce or its safe shall be charged at such rate as the defaulter, the expenditure for Collector may, by general or special order, fix. (1) and (2) shall be first (B) The costs incurred under sub-rules charge on the sale proceeds of the property, 22. The provisions of Order XXII, Rules 4B 53 of the Code of Civil Procedure, 1908 (1913) regarding the attachment of movable property, as far as may be, apply to the movable property dealt with in the attachment made under sub-rule, the attachment shall be 23. Here the property is to be attached by an order prohibiting the transfer or charging the property in any way, and persons from whom the property may benefit from such transfer or charge. (2) The order be at place on or adjacent to such and a copy of the order properly by beat of drum or otherwise shall be affixed at a conspicuous part of the property and then on the notice of the officer of the Revenue Office. The board of The order shall take effect as against purchasers for value in good faith the date of the order, the order is affixed on the land and against all other transferees from the date of the order. 24. (1) If any claim is set up by a third person to the property attached or proceeded against under the provisions of this Code, the Revenue Officer shall enquire into claim and remove it or reject it. (2) The person against whom an order is made under sub-rule (1) may, within one year from the date of the order institute a suit to establish the right which he claims to the property or proceeded against: subject to the order shall be conclusive. result of such suit; SALE GENERALLY 25. Every sale shall be conducted by an officer or other person appointed by a general or special order in this behalf and shall be made by public auction. (1) The Revenue Officer shall cause a proclamation of the intended sale to be made stating the time and place of sale and specifying as fairly and accurately as possible— the property to be sold, the land revenue assessed upon the land what the property to be sold is an interest in land paying revenue to the Government; the sale is the amount for the of which ordered; and THE MADHYA PRADESH LAND REVENUE CODE. 199 (1) every thing which the Revenue Officer considers material for a purchaser to know order to judge of the nature and the value of the property. (2) A copy of the proclamation issued under sub-rule (1) where it relates to the sale of any holding shall be sent to the Co-operative Bank and the Land Mortgage Bank operating within that area in which the holding is situated

27. The Revenue may, if he considers this necessary, summon the defaulter and examine him with respect to any matters to be included in the, sale proclamation. 2B. Save in the case of property of the kind described in the first proviso to rule 19, no sale hereunder shall, without the consent in writing of the defaulter, take place— (t) on Sunday or on any authorised civil court holiday or on any day declared as a local holiday for the area in which the sale is to be held; and (F) until after the expiration of at least thirty days from the date on which the proclamation thereof was made. 29. (1) The Revenue Officer may, in his discretion, adjourn any sale hereunder to a specified day and hour and the Officer conducting any such sale may, in his discretion, adjourn the sale recording his reasons for such adjournment— Provided that where the

order of the Revenue Officer can be obtained in time, no such adjournment shall be made without such order. (2) Where a sale is adjourned under sub-rule (1) for a longer period than fifteen days, a fresh proclamation shall be made unless the defaulter consents to waive it. (3) Every sale shall be stopped if, before the lot is knocked down, the amount due and costs are tendered to the officer conducting the sale or proof is given to his satisfaction that the amount of such dues and costs have been paid to the Revenue Officer who ordered the sale.

30. Any deficiency of price which may happen on a resale by reason of the purchaser's default shall be recoverable from the defaulting purchaser as if it were an arrear of land revenue.

31. No officer or other person having any duty to perform in connection with any sale shall, either directly or indirectly, bid for, acquire or attempt to acquire any interest in the property sold.

SALE OF MOVABLE PROPERTY (1) Where the property to be sold is agricultural produce, the sale shall be held — (a) if such produce is a growing crop, on or near the land on which such crop has grown; or (b) if such produce has been cut or gathered, at or near the threshing floor or place for treading out grain or the like or fodder stack. Provided that the Revenue Officer may direct the sale to be held at the place of public resort, if he is of opinion that the produce is thereby likely to sell to greater advantage.

321 322 THE MADHYA PRADESH LAND REVENUE CODE, 1959 - (2) Where, on the produce being put up for sale — (u) a fair price, in the estimation of the person holding the sale, is not offered for it; and (b) the owner of the produce or a person authorised to act in his behalf applies to have the sale postponed till the next day or, if a market is held at the place of sale, the next market day, the sale shall be postponed accordingly and shall be then completed, whatever price may be offered for the produce. (1) Where the property to be sold is a growing crop and the crop 33. from its nature admits of being stored but has not yet been stored, the day of the sale shall be so fixed as to admit of its being made ready for storing before the arrival of such day, and the sale shall not be held until the crop has been cut or gathered and is ready for storing. (2) Where the crop from its nature does not admit of being stored, or where it appears to the Revenue Officer that the crop can be sold to greater advantage in an unripe state, it may be sold before it is cut and gathered, and the purchaser shall be entitled to enter on the land and to do all that is necessary for the purpose of tending and cutting or gathering it.

34. (1) Where movable property is sold by public auction, the price of each lot shall be paid at the time of sale or as soon after as the officer or other person holding the sale directs, and in default of payment the property shall forthwith be resold. (2) On payment of the purchase money, the officer or other person holding the sale shall grant a receipt for the same, and the sale shall become absolute. (3) Where the movable property to be sold is a share in goods belonging to the defaulter and a co-owner, and two or more persons, of whom one is such co-owner, respectively bid the same sum for such property or for any lot, the bidding shall be deemed to be the bidding of the co-owner.

35. NO irregularity in publishing or conducting the sale of movable property shall vitiate the sale; but any person sustaining any injury by reason of such irregularity at the hand of any other person may institute a suit against him for compensation or (if such other person is the purchaser) for the recovery of the specific property and for compensation in default of such recovery.

36. (1) Where the property sold is movable property of which actual seizure has been made, it shall be delivered to the purchaser. (2) In the case of any other movable property, the Revenue may make an order vesting such property in the purchaser or as he may direct; and such property shall vest accordingly.

SALE OF IMMOVABLE PROPERTY 37. On every sale of immovable property the person declared to be the purchaser shall pay immediately after such declaration a deposit of twenty-five per cent on the amount of his purchase money to the officer or other person conducting the sale, and in default of such deposit, the property shall forthwith be resold.

38. The full amount of purchase money payable shall be paid by the purchaser within fifteen days from the date of the sale of the property.

39. In default of payment within the period mentioned in rule 38, the deposit may, if the Revenue Officer thinks fit after defraying the expenses, of the sale, be forfeited to the Government, and the property be resold and the defaulting purchaser shall forfeit all claims to the property or to any part of the sum for which it may subsequently be sold.

THE MADHYA PRADESH- LAND REVENUE CODE. 1959 40. (1) If here immovable property has been sold under this Code, any person, either owning such property or holding an interest therein — by virtue of a title acquired before such sale may, at any time within thirty days from the date of sale, apply to the Revenue to have the sale set aside on his depositing — (a) for payment to the purchaser, a sum equal to five percent of the purchase money; (b) for payment on account of the

arrear, the amount specified in the proclamation Of sale as that for the the sale was ordered less any recovery of whir amount which m ' have Been paid since the date of the sale on thi and (c) the cost of the sake. (2) if such deposit is made within thil ty days from the date of the gale the Revenue Officer shall pass an order setting aside the sale ; Provided that, if a person applies under rule 41 to have such sale set a\$de, he shall not be entitled to make an application under this rule

41. At any time within thirty days from the date Of sale, any person whose interests are affected by such sale may apply to the Revenue Officer to set aside the sale on the ground of some material irregularity or mistake in publishing or conducting it, and the Revenue Officer may, after giving notice to the persons aflQ)ted thereby, pass an order setting aside the sale and may order resale; but no sale shall be set aside on such grouhds unless the applicant proves to the satisfaction of the Revenue Officer that he has sustained substantial injury by such irregularity or mistake

42. Except in a case where land has bceu sold for arrears, which form a charge on the land, the purchaser may, at any time within thirty days from the date of sale, apply to the Revenue Officer to set aside the sale on the ground that the defaulter had no salea ble interest in the property sold and Lhe Revenue Officer shall, after due inquiry, pass such orders on such application as he deems fit

43. No resale under rule 41 shall be made until a fresh procl?mation has been published as laid down in rule 26

44. On the expiry of thirty days from the date of shle, If no application has been made under rule 40, 41 or 42 or if such application has been made and r\$cted, Revenue Officer shall pass an order confin•ning the sale : Provided that, If the Collector has reason to think that the sale ought to be set asde— (i) notwithstanding that no such application has been made; Or (ii) on grounds Other than those alleged in any application which has been made and r\$ected; or (iii) notwithstanding that a paoid of thirty days from the date of sale has expired; he may, after recording his reasons in writing, set aside the sale at any time before making an order confirm:ng the sale. 45. (1) If no application under rule 41 is made within the t;me allo- wed therefor, all claims on the grounds of. irregularity or mistake shall' be barred. (2) Nothing in sub-rule (1) shall bar the inStitution of a suit in the Ctivil Cmrrt to set aside a sale on the grOünd Of fraud or on the ground that the arrear for which the property is sold is nèt due or On the ground that the déu]ter had no æleable interet in the property sold. 323 324 THE MADHYA PRADESH LAND REVFNUE CODE. 1959 46. If the sale 01' any operty is set aside t-mder rule 40, , 42, or 44, the amrnu•t Df purchase money deposited by the purchaer shall be refunded to him. CERTIFICATE OF PURCHASE AND DECOVERY OF POSSESSION 47. If the sale of any inlmDvable proprty bas bccn confirmed, L he Revenuc Officer shall grant a cerliiica te to the. purchaser qxcifying the date on which the sale is confirmed, the property sold_ and the namc of chaser and shall put the purchaser in posseßion of such pt operty. (1) W herec the purchaser is resisted or Dbstructed by any pason in obtaining posession of the propa•ty, he may make an application to the Revenue Offc.er complaining of such resistance. or obstruction. (2) The Revenue Officer shall fix a date for investigating the matte and shall summon the party against whom the applica tion is made to appear and atkwer the same

49. Where the Revenue Officer is satisfied that the resistance or ob- struction was occasioned—(a) by the defaulter or some other person at his instigation; or (b) by any person in the case of a purchase of land sold for arrears Df land revenue due in respect thereof ; he shall direct that the purchaser be put into possession of the property

50. Where in any case to which rule 49 does not apply, the Revenue Officer is satisfied that the resistance or obstruction was caused by any person claiming in good faith to be in of the property on his own account or on account of some person other than the defaulter, the Revenue Officer shall make an order dismissing the applico Lion .(1) Where any pet son other than the defaulter is dispossessed of 51. immovable property by the purchaser of such property, he may make an application to the Revenue Officer complaining of such dispossession. (2) The Revenue shall fix a date for investigatine the matter and shall summon the purchaser to appear and answer the. same

52. Where the Revenue Officer is satisfied that the applicant was in p(+ssion of the property on his own account, or on account of «)rne person other than the defaulter, he shall direct that the appiicant be put into pos.*2- ssion of the property

53. Any party not being a defaulter against whom an order is made under rule 49, 50 or 52 may institute a suit to establish the right which he claims to the present possession of the property but subject to the result of such suit, if any, the order shall be conclusive. COMMISSIONS TO EXAMINE WITNESSES 54. Any Revenue Officer may in any proceedings issue a commission for the examination on interrogatories or otherwise of any person who is unable or exempted from attending the court or who is from sickness or infirmity to attend it

55. An order. for the issue of a commission for the examination of a witness may be made by the Revenue Officer either of his own motion or on the application, supported by affidavit or otherwise, of any party to the proceedings or of the witness to be examined. THE MADHYA PRADESH LAND REVENUE CODE, 1959 56. Any Revenue Officer may, in any proceedings, issue a commission for the examination of -- any person not beyond of his jurisdiction; any person who is about to leave such limits before the date at which he is required to be examined in court; any person in the service of the Central or State Government who cannot, in the opinion of such Revenue Officer, attend without detriment to the public service. (1) A commission for the examination of a person be issued to any person whom the Court thinks fit to execute it, or to any other Revenue Officer who can conveniently examine such person. (2) Every Revenue Officer receiving a commission for the examination of any person shall examine him or cause him to be examined pursuant thereto. (3) The Revenue Officer or, if he is unable to do so, any other Revenue Officer, shall direct whether the commission shall be returned to himself or to any Revenue Officer subordinate to him. Where a commission has been duly executed, it shall be returned, together with the evidence taken under it, to the Revenue Officer by whom it was issued, unless the order for issuing the commission has otherwise directed, in which case the commission shall be returned in accordance with the order; and the evidence taken under the commission and return and (subject to the provisions of the next following rule) form part of the record of the proceedings. 59 Evidence taken under a commission shall not be read as in the proceedings without the consent of the party against whom the same is offered, unless— (a) the person who gave the evidence is beyond the jurisdiction of the court, or dead or unable from sickness or infirmity to attend to be personally examined, or exempted from personal appearance in court or is a person in the service of the Central or State Government who cannot, in the opinion of the Revenue Officer, attend without detriment to the public service; or with the sanction of the Revenue Officer in his discretion dispenses proof of any of the circumstances mentioned in clause (a) and authorises the evidence of any person being read as evidence in the proceedings, notwithstanding proof that the cause for taking evidence is the commission was issued to him; or the necessity of reading the same

60. Before issuing any commission under rules, the Revenue Officer may order such sum (if any) as he thinks reasonable for the expenses of the commission to be, within a time to be fixed by the party at whose instance or for whose benefit the commission is issued. the provisions of this Code relating to the summoning, attendance and examination of witnesses, and to the remuneration of, and penalties to be imposed upon witnesses, shall apply to persons required to give the purposes of evidence, or to produce documents under these rules and for this rule the Commissioner shall be deemed to be a Revenue Officer. (2) A Commission shall apply to an Officer within the local limits of whose jurisdiction a witness resides (if necessary which he and such Revenue Officer may find it necessary to issue to, or again to, such witness. Officer may, in discretion, issue such process as he considers reasonable and proper. -IF, MADHYA PRADESH LAND REVENUE CODE, 1959 62. a commission is issued under these rules, the Revenue Officer shall direct that the parties to the proceedings shall appear before the Commissioner in person or by their agents or pleaders. (2) Where any or any of the parties do not so appear, the Commissioner may proceed in their absence. PROCEEDING CR AGAINST MINORS AND PERSONS OF UNSOUND MIND 63. Every application by a minor shall be, filed in his name by a person acting as the guardian of the minor. 64. if the non-application of a minor the Revenue Officer, on being satisfied of the fact of his minority, shall appoint a proper person to be the guardian of such minor for the purpose of the proceedings

65. Any person who is of sound mind and has attained majority and whose interest is not adverse to that of the minor may act as guardian for a minor party in the proceedings

66. In case a non-applicant is a minor and the guardian appointed has no funds meet the necessary expenses, the Revenue Officer may direct the applicant to deposit a sufficient sum for the

purpose. The costs so incurred by the applicant shall be adjusted in accordance with the final order in respect of the costs. 67. (1) No guardian shall, without the leave of the Revenue Officer, expressly recorded in the proceedings, enter into any agreement or compromise on behalf of a minor with reference to the proceedings in which he acts as his guardian. (2) Any such agreement or compromise entered into without the leave of the Revenue Officer so recorded, shall be voidable against all parties other than the minor.

68. The provisions contained in rules 63 to 67, shall apply mutatis mutandis to persons of unsound mind. Year 1942 *955 Number (2) VI 11 SCHEDULE (See serial 261) Short title (3) Extent of repeal (4) -4 940-41 VIII 94-1 - 42 1949 25 The Central Provinces and Berar Hindu Women's Property Rights to Property (Extension to Agricultural Land) Act, 1942. The Madhya Pradesh Land Revenue Code

1954. The Madhya Pradesh Creation of Commissioners Act, 1957. Indore Land Revenue and Tenancy Act

1931. Bazwani State Resolution No

67. Indore Restitution of Particular Tenants' Rights in Land Act, 1941. Dhar Land Revenue and Tenancy Act, 1941 *42 Qawayad Tarashi wa Ataya Chakook Parti Qabil Kast Gwalior: Samvat 1983. Madhya Bharat Jagir Land Records Management Act. Samvat 2006. THE MADHYA PRADESH LAND REVENUE ACT, 1959 [1954] 954 1956 (2) (3) (4) (5) (7) (8) (9) (10) (12) 2 26 66 32 29 111 XIX xxn' xxvii 3 16 Madhya Bharat Jagir (Jagirs' Rights) Land Act. Samvat 2006. Madhya Bharat Land and Act, Samvat 2007. Madhya Bharat Muafi and Inam Tenants and Sub-tenants Protection Act. [1954. Madhya Bharat Ryotwari Protection Act, 1955. The state Act

1945. Vindhya Pradesh Land Revenue and Tenancy Act, 1953. The Bhopal State Land Revenue Act, 1932. The, Bhopal State Sub Tenants Protection Act. 1952. The Bhopal State Sub-Tenants Occupancy Protection Act. 1954. The Rajasthan Revenue (Jurisdiction) Act. 1951. The Rajasthan Public Demands Recovery Act, The Rajasthan Settlement Act, The Rajasthan Rent Rates Determination and Validation Act

1954. The Rajasthan Holdings and Prevention of Fragmentation Act, 1954, The Rajasthan Colonisation Act

1954. The Rajasthan Tenancy Act, 1935, The Rajasthan Land Revenue Act, 1956. The Rajasthan Revenue and Validation of Rent Rates Act, 1956. SCHEDULE 262 NAME OF LAW So Far as relates to agriculture: (a) The whole The Indore Revenue and Tenancy Act, Indore Jagirdar Manual. Qawaid Jagir-daran, Gwalior. Qawaid Mafidaran Jaunve Arazi Riyasat. Gwalior. Jagir and Muafi Rules of the Rajgarh State. Dhar Land Revenue Act. Muafi Rules of the Dhar State, Inam Rules of the Dewas (Senior) Land Revenue and Tenancy Act of Dewas (Junior). Muafi Rules of Dewas (Junior). Qawaid Muafi Rules of the Jhabua State. Nazrana Rules of the Banvani State. 2-22-0&B *TQ/38 Q. 30-5-2001. " 30S] 3 12, 1924 7 2002 IF-IT a-Tufiqq, 3-11-2002 YIH t. 611 612 -a-fi*-g grtv. urn (1 239 ua•r 239 2. 3. 4. (1) (2) S. 3 2002 () 2002 1959 (20 1959) (F. 31 2002) t. 195' 20 3959) 239 ' 34fiT\$R" 239 (1) (2) ' Girgi 239 (5) 1980 (1980 69) tra t, 5. (1) (2) 3 2002 241 241 (5) .3Tqf•q :— 7 2002 348 (3) 241 2002 31 2002) t. CHHATTISGARH ADHINIYAM (No. 31 of 2002) CHHATTISGARH LAND REVENUE CODE (AMENDMENT) ADHINIYAM, 2002 An Act to Amend the Chhattisgarh Land Revenue Code, 1959 (No. 20 of 1959). Be it enacted by the Chhattisgarh Legislature in the 53rd Year of the Republic of India as follows :— This Adhiniyam may be called the Chhattisgarh Land Revenue Code (Amendment) Adhiniyam, 2002. It shall come into force from the date of its publication in the Gazette

2. After entry (vii) of clause (Z.1) of Sub-section (1) of Section 2 of the Chhattisgarh Land Revenue Code, 1959 (No. 20 of 1959). (Here in after referred as the Principal Act) The following entries shall be inserted, namely :— Adina cardifolia Mitragyna parviflora Terminalia arjuna Diospyros melanoxylon Gmelina arborea (Haldoo) (Mundi) (Aliun) (Tendu) Khamhar) 3. (viii) (x) (1) Short title and Commencement Insertion in section 2 Amendment in Section 239. In Section 239 of the Principal Act for the previous marginal heading "rights in fruit bearing trees planted in unoccupied land" the marginal heading "rights in fruit bearing trees and other trees planted in unoccupied land and Bhat [And-and Bade Jhad/Chhote Jhad Ka Jungle" shall be substituted. In Sub-section (1) and (2) of Section 239 after the words "unoccupied Land" wherever it occurs the words "and Bhat Land and Bade Jhad/Chhote Jhad Ka Jungle" shall be added. 612 (2) Insertion in Sub-section (S) in Section 239. Amendment in Section 241. 3

2002 After Sub-section (5) of Section 239 Of the Principal Act, the following Sub-section shall be inserted, namely :— 4. 5. (1) (2) Peri-nanent lease for such Bhata Land, on which the provisions of the Forest, Conservation Act, 1980 (No. 69 of 1980) shall not apply may be granted. An agreement can be executed for plantation on B ade Jhad/Chh ote Jhad Ka Jungle. No bhumiswami right shall accrue to the agrccment holder or of his/her heir Of the Land of Bade Jhad/Chhote Jhad Ka Jungle and on the trees planted on the above la-nd, The agreement holder or his/her heir shall be entitled to only usufruct of the trees" in the Sub-section (4) of Section 241 of the Principal Act for Lhe words "One thousand rupees" the words "Five thousand rupees" shall be substituted. At [he end of Sub-section (5) of Section 241, of the Principal Act, âe following words shall be added, namely :— "However such person Sha]] be required to get his land demarcated by the competent authority and to inform in writing the Revenue Officer and Range Forest Offcer having Jurisdiction atleast IO days before felling of removal of such trees" ft. Q. 30-5-2001. " VÄR, 9 19, 1925 ziar«q, 9 2003 — 2S⁻ 3-5-2003 240 10 11 12 14 2. 3. 4. 5. 6. 8. 9. (1) (2) (1) (2) (2) 9 2003 11 (a7R1fiqq, 2003 1959 (20 1959) 2003 t. 23 2002 1959 20 1939). 23 2002 22 2002, • qr&ft. ' ' 11 t) " 12 (n 14 15 30 (2) " 1 (2) (3) (4) (2) (3) (S) (6) (7) 9 2W3 44 () " 44 (1) (0) " 4-4 (2) (' ' 44 (2) (m 47 (ü) 49 (3) so (t) (71) a.Fß!" SO (2) so (2) so (2) ' ' f*-qi 240 (I) 44 49 so 240 (2) 14- Short Tille and Coin- merrement. Amadment Sec. of See• (1) (2) 9 2003 1 14 —g ' 114 (1), (2) (3) 9 2003 348 (3) æ:ifr7T 2003 (47. 1 1 2003) CHHATTISGARH Acr (No. u or 2003) CHHATTISGARH LAND REVENUE CODE (AMENDMENT) Acr, 200.3 An Act to further mnend.the Chhattisgarh Land Revenue Code 1959 (No. 20 or 1959). Be it enacted by the Chhattisgarh Izgislature in the fifty-fourth year of the Republic of India as tOllows (1) (2) This Act may called the Chhattisgarh Land Revenue Code (Amendment) Act, 2003. It shall come into force from 23rd November 2002 (Twenty third November Two nusand TWO). 2

3. Section 3 ofthe Chhattisgarh Land Revenue Code 1959 (NO.20 of 1959) (Here in afterreferred as the Code) shall be substituted by the following (2) There shall be a Board of R.evmue for Chhatdsgarh having a President. Io addition to the President, the State Government may appoint u many members u it may deem fit. Section IO of the Code shall be subsiNted by the following. :— (2) All appeals, applicaöons for revision, review and other proceedings under the Code pending before the Boazd of Revenue Pra&sh, relating tn the Stae of Chhattisgarh on 31 st Ocu-'ber 2002 shall stand toand, be heard and decided by the Board of Revenue of Chhattisgaâ. All appeals, applications for revision, review and other proceedings under the Code pending as on 23rd November, 2002 before the Commissioners and Additional Commissioners, shall stand transferred to and. be heard and decided by the Board of Revenue. t.hü all bona fide decisions, proceedings and taken by tie Commissioners Additional Commissioners uo&r âe Code the 22nd Noverrba, 2002 till they re*ished omce, shall &emed to be legal and valid. 4. 5. 6. 7. 8. 9. n. 12. 9 2003 The followiog words appearing in Section I of the Code shall be omitted Commissioner (including Additional Cornmissioners)•. Sub-section (2) of Section 12 of the shall be omitted. Sectioo 14 of the Code shan be omitted, Section 15 of the Code shall be omitted. Sub-section (2) of Secañon 29 of the Code shall be ornitted. The words "Commissioner, a "appearing in Sub-section (2) of Section 30 of the code shalt be omitted. 12. thn SO. 44. b' See (2) (3) (4) In clause (e) of Sub-section (1) of Section 44 of the Code. for the word "Commissioner" the words "Board of Revenue" shah be substituted. In clause (g) of Sub-section of Section 44. of the Code word "Commi- ssioner or the" shall be omitted. [n clause (i) of Sub-section (2) of Section 4, of the code for the word "Commnt- ssioner" the words "Board of Revenue" shan be substituted. clause (iii) of Sub-section (2} of Section 44 of the code shall be omitted, Sub-section (b) of Section 47 of the Code shall be omitted. Sub-section (3) of Section 49 of the Code shall be substituted by the following : "(3) After heariag the panies, the Appellate Authority may vary or the ("def appea!cd against. or may take such additional evidence as it may consider necessary fOf passing its order. hovided that the Appellate Authority shall not remand the case for disposal by any Revenue Officer subordinate to it." Amend—eat 47. Sec- (2) (3) (4) (S) (6) [n Sub-ecton (1) of Secüon 50 of the Code the words "or &mmissioner" am:xaring before words "or the Settlement Conunissioooer" shay be omitted. In sub-clause (c) of clause (i) of the proviso to Sub-section (1) of 50 of the Co&, the woms "Commissioner or" apparing befo«e the ward: "the Settlement Commissioner" shall be omieed. In clause (ii) of the proviso to Sub-section (I) of Section SO of Co&, the wotë's "Commissioner or H appearing bef0le me words. Sett.le.n*Zt Shal] be omitted. In cluse (i) of Sub-section (2) of Section SO of the Code, the "Che Commi- ssioaer or • appearing before the words Settlement Commissioner". be omitted, In clause (ii) of Sub-

section (2) of Section 50 of the Code, the words "the Commissioner or" appearing before the words "the Settlement Commissioner." shall be omitted, In clause (iii) of Sub-section (2) of Section 50 of the Code the word "Commissioner" appearing before the words, "Settlement Commissioner or" before the words "Commissioner" shall be omitted. -30- 240 (4) in Section 14-A of the Code. (7) 9 2003 In clause (iv) of Sub-section (2) of Section 50 of the Code, the words "the Commissioner or" appearing before the words "the Settlement Commissioner" shall be omitted. 14

15. In clause (i) of the proviso of Sub-section (1) of the Section 5 of the Code word "Commissioner" appearing the words, "Settlement Commissioner" shall be (2) In Section 14-A of the Code, for the marginal "Bhoj Adhikar Avarn Rin Pustika" new marginal heading "Kisan Kitab" shall be substituted. In Sub-section (1) (2) and (3) of Section 14-A of the Code. for the words "Bhoj Rin Pustika", wherever it occurs word "Kisan Kitab" shall be substituted. 31.12.2002. 30-5-2001. " 20 30, 1927 friv 20 2005 4515/21 201 202 44 s9 (1). (2) 20 2005 6 2005) 2005 1959 (20 1959) 31.12.2002 2005 6 q 2005) t. 2. 3. 1959 20 1959) fining t) 44 (2) tat-a w?r?— grfi 7 59 (2) viq ' ' 20 2005 2005 (h 6 q 2005) t. 20 2005 CHHATTISGARH Act (No. 6 of 2005) CHHATTISGARH LAND REVENUE CODE (AMENDMENT) ACT, 2005 An Act further to amend the Chhattisgarh Land Revenue Code, 1959 (No. 20 of 1959) Be it enacted by the Chhattisgarh Legislature in the fifty sixth year of the Republic of India as follows a) (2) This Act may be called the Chhattisgarh Land Revenue Code, (Amendment) Act, 2005 (No. 6 of 2005). shall come into force from the date of its publication in the Official Gazette. 2

3. For sub-section (2) of section 44 of the Chhattisgarh Land Revenue Code, 1959 (No.20 of 1959) (hereinafter referred to as the Code) the following sub-section shall be substituted, namely Save as otherwise provided second appeal shall lie against every. order passed in first appeal under code or the rules made thereunder if such order is issued the Sub-Divisional Office—to the Collector; if such order is passed by the Collector—to the Board; if such order is passed by the Settlement Officer—to the Settlement Commissioner." After sub-section (2) Of section 59 of the code following proviso shall be inserted, namely :— "Provided that the small industries shall be exempted from the re-assessment of the land diverted not exceeding five acres." *Ail, 202 (1) Short title end commencement Amendment of Section 44. In section i" Section -2005. 93- 114-009/2003/20- i-03. ' 30-5-2001. " 29] 25 1927 2s 2006 T-1-2006 57 58 165 SboH Amn&--eal (1) (2) 2. 2006 (8 2006) () 2005 1959 (1959) 1959 20 1959) 165 25 2006 2ms t. CHHATHSGARH ACT (No. 8 of 2006) CHHATTISGARH LAND REVENUE CODE (AMENDMENT) ACT, 2005 An Act to amend Land Revenue Code, 1959 (No. 20 of 1959). Be it enacted by the Chhattisgarh Legislature in fifty sixth year of the Republic of India follows (2) The Act may be called the Chhattisgarh Land Revenue Code (Amendment) Act. 2005. shall come into force from the date of its publication in the Official Gazette

2. Sub-section (6-ee) of Section 165 of the Chhattisgarh Land Revenue Code, 1959 (No. 20 of 1959) be Omitted. 31.12.2001." mi. 114-009/2003/20-01-03." s 16, 1930 s 2008 2915/21. 113/21-am. 213 (*q) 2008 01 2008) 195 196 10 -2. S & 2008) 2008 1959 (213 (I) (1) 2008 (2) 199 (E 20 "(2) 23 2002 •a 23 61 -kre L L nua (C) 961 .Qb1ke Rub gooz S (0 196 (2) 44 8. 9. (1) (2) (3) 47 _ 5 & 2008 30 (2) 44 44 (2) gfi 7 10. 796 (3) 11. 12. (1) (2) (3) (4) (S) (6) (7) s 2008 SO (1) SO (1) (IW) (11) 50 (2) 50 (2) (Q) 50 (2) (qr) 51 (1) 5 2008 2915/21. 348 (3) 2008 01 2008) SO 3FT*fa 30-5-2001 114-009/2003/20-01-03. 23 2008—q1K 1930. 2S 2008 233/21-3-1E.,Ø. 14-08-2008 473 9- 474 23 2008 (17 2008) () 2008 1959 (20 1959 23 2002 2002 3. .23 2009 -fia 3) 3c 44 494 (2) 47 so 9. 10. (2) (3) (1) (2) (3) 23 2008 anz W) 44 (2) 47 50 () SO (1) (TW)) so 474 (o) (4) (S) (6) (7) 11. 12. 23 2008 SO (2) 50 so 50 (2) qrq. 2008 1 2008) 41. 25 2008 8180/* . 2331214mrø. 348 (3) (üü*F) 2008 (MAi4i 17) t. CHHATTISGARH Act (No. 17 of 2008) CHHATTISGARH LAND REVENUE CODE (AMENDMENT) ACT. 2008 An Act further to amend the Land Revenue Code 1959 (No. 20 of 1959). Be it enacted by the Chhattisgarh Legislature in the Fifty Sixth year of the Republic of India, as follows : Short title. extent and Commencement. (2) (3) "This Act may be called the Chhattisgarh Land Revenue Code (Amendment) Act, 2008. It extends to the whole State of Chhattisgarh. It shall come into force from the date of its publication in the "Official Gazette". -sg- 474 (4) Amendment Section 10. Amendment Section 11. Amendment • Section 12. Insertion of 14 end IS. 2. 3. 4. 5. 23 2008 For Sub-section (2) and proviso of Section 10 of the Chhattisgarh Land Revenue Code, 1959 (No. 20 of 1959) (Hereinafter referred to as the Principal Act) the following shall be substituted, namely : (a) Ali cases of , (iii) First appeal against the order of the Collector whether exercising the powers of Collector or Settlement Officer during the currency or settlement, 'Ending before the

Board: Second appeal against the order of the Sub-Divisional Officer or the Collector pending before the Board Second appeal against the order of the Sub-Divisional Officer pending before the Collector: shall stand transferred to the Commissioner. All cases of revision, review and other proceedings which stood transferred to the Board from the Commissioner after November, 2002 and pending before the Board, shall stand transferred to the Commissioner; In the case of revision instituted on an application made by any party after 23rd November, 2002 and pending before the Board the party may make an application for transfer of such case to the Commissioner and if such an application is made, the Board shall transfer the case to the Commissioner. In Section 1 of the Principal Code, the words "Commissioners (including Additional Commissioners)" shall be inserted before the words "Settlement Commissioner-- After Sub-section (i) of Section 12 of the Principal Act, the following sub-section be inserted namely,— "(2) All Revenue Officers in a Division shall be subordinate to the Commissioner". After Section : 3 of the Principal Act, the following Sections shall be inserted, namely:— "14 15 Power to appoint Commissioners or divisions.— (2) The State Government shall appoint in each division a Commissioner who shall exercise therein the powers and discharge the conferred and imposed on a Commissioner by or under this Code or any other enactment for the time being in force. The State Government may, subject to such conditions as may be imposed, by notification, confer upon the Commissioner any powers or functions assigned to the State Government under any enactment for the time being in force. Power to appoint Additional (1) (2) The State Government may appoint an Additional Commissioner in a division or in two more divisions. An Additional Commissioner shall exercise such powers and such duties conferred and imposed on a Commissioner or under this Code or by or under any other enactment for the time being in force in such or class of as the State Government may, by 23 2008 a general order, notify or as the Commissioner of the division may, subject to any general or special restrictions imposed by the State Government, by an order in writing direct, Code and every other enactment for the time being in force and any rule made under this Code or any such other enactment shall, except where expressly directed otherwise, apply to the Commissioner when exercising any powers or discharging any duties under sub-section (2) as he were the Commissioner. The Additional Commissioner (1) he inserted, namely, 29 of the Principal Act, the following Sub, 8. (1) (2) The Commissioner, on an application made to him in this behalf, may, if he is of the opinion that it is expedient for the ends of justice, order that any particular case be transferred from a Revenue Officer to another Revenue Officer of an equal or rank in the same district or any other district in the same division." In Sub-section (2) of Section 30 of the Principal Act, before the word "Collector" the words and comma "Commissioner, a" shall be inserted. In Section 44 of the Principal Act amend Section 2". Amend Section .W. Amendment Section 44. (2) (3) In clause (c) of Sub-section (1) for the words "Board of Revenue" the word "Commissioner" shall be substituted. In clause (g) of Sub-section () the words "Settlement Commissioner" the words "Commissioner or the" shall be inserted. For Sub-section (2) the Section 44 of the Principal Act, following shall be substituted, namely; Save otherwise provided a second appeal shall lie against every order passed in first appeal under this Code or the rules made thereunder—: by the Sub-Divisional Officer or the Collector to the Commissioner; by the Settlement Officer to the Settlement Commissioner; by the Commissioner to the Board— (a) (b) if the original has in appeal been varied or decided otherwise than in a manner of one of the following grounds and namely (i) (ii) (iii) that the order is contrary to law or having been made in violation of law; that the order is material fact that is in violation of law as by this Code, may have error or defect in the fact of the case upon 474 (6) Amendment Section 4'. Amendment Section 50

51. Repeal 9.10. 11. 12. 23 2008 After clause (a) of Section 47 of the Principal Act, the following clause shall be inserted, namely (2) (3) (4) (5) (6) (7) to the Commissioner after the expiration of sixty days from such date: or. • In Sub-section of Section 50 of the Principal Act, after the words "the Board" the words "the Commissioner" shall be inserted. In Sub-clause (c) of clause (i) or the proviso to Sub-section (i) of Section of the Principal Act, the words "the Settlement Commissioner" the "Commissioner Of" shall be inserted. In clause (i) or the proviso to Sub-section (i) of Section 50 of the "the Settlement Commissioner". The Act, before the words "Commissioner or" shall be inserted. In clause (i) of Sub-section (2) of Section 50 of the Principal Act, the words "the Settlement Commissioner" the words "Commissioner Of" shall be inserted. In clause (ii) of Sub-section (2) of Section 50 of the Principal Act, before the words "Settlement Commissioner" the words "Commissioner or" shall be inserted. In clause (iii) of Sub-section (2) of Section 50 of the Principal Act, the words "Settlement Commissioner" wherever they occur the word "Commissioner" shall

inserted. In clause (iv) of Sub-section (2) of Section 50 of the Principal Act, the words "the Settlement" shall be inserted. In clause (i) of the proviso to () of Section 51 of the Principal Act, after the word "If the" word "Commissioner," shall be inserted. The Chhattisgarh Land Revenue Code (Amendment) Ordinance, 2011 (No. 1 of 2011) is hereby notified so that the said Ordinance (Finance) Act, 2011, shall be deemed to have been passed. (R71 ft. Q. 35-5-2001." 174 11 21, 1933 11 2011 3379m. 119/21 -WYT.Æ. 03-05-2011 t. •RIM, 347 4 172 2. 3. 4- (1) (2) (1) (2) (3) (4) (1) (2) (3) (4) 14) () 2011 19" (20 1959 2011 1959 20 1959) t, 59 (1) 59 (1) (O (Z) 59 (5) 172 i, 172 (4) 172 (5) 172 i, 'Nia S. 6. 7. 8. (2) (2) (3) 11 2011 247 (7) 248 (1) 248 (2) 250 (6) Az, 250 (9) 250 (9) ••qtq 253 (1) q«, 11 2011 3379/8. 119/21- nm.Æ. -Vita 348 (3) 2011 14) 348 (1) 247 •tra 248 250 253 348 (2) Short title and 11 CHHATTISGARH Act (No. 14 of 2011) ME CHHATTISGARH LAND REVENUE CODE (AMENDMENT) ACT, An Act further to the Chhattisgarh Land Revenue Code, 1959 (No. 20 of 1959) enacted by the Chhattisgarh Legislature in the Sixty-second year of the Republic of India, as follows :— Amendment Section 5. Amendment Section 172. Amendment 241. Amendment 248. 1959). 3. 4. 5. (2) (2) 0) (4) (2) (3) (4) This Act may be called the Chhattisgarh Land Revenue Code (Amendment) Act, 2011. [It shall come into force from the date of its publication in the Official Gazette. After clause (e) of sub-section (1) of Section 59 of the Chhattisgarh Land Revenue Code, 1959 (No. 20 of 1959), (hereinafter referred to as the Principal Act), the following clause shall be inserted, namely : (g) and (h)." After clause (e) of sub-section (1) of Section 59, the following clauses shall be inserted, namely Residential Colony/Project; (g) Public Institutional Purpose; (h) Medical Facilities Center." After proviso to sub-section (2) of Section 59 the , following proviso shall be inserted, namely "Provided further that the Naya Raipur Development Authority shall be exempted from reassessment for the diversion of land." In sub-section (5) of Section 59 of the Principal Act, for the words "Sub-Divisional Officer" the words "Competent Authority" shall be substituted. In Section 172 of the Principal Act, for the words "Sub-Divisional Officer" wherever they occur the words "Competent Authority" shall be substituted. In sub-section (4) of Section 172 of the Principal Act, for the words "two hundred rupees" the words "one thousand rupees" shall be substituted. In sub-section (5) of Section 172 of the Principal Act, for the words "two hundred rupees" and "twenty rupees" the words "one thousand rupees" and "one hundred rupees" shall be substituted. [In sub-section (6.a) of Section 172 of the Principal Act, for the words "one hundred rupees" the words "five hundred rupees" shall be substituted. In sub-section (4) of Section 241 of the Principal Act, for the words "five thousand rupees" the words "twenty five thousand rupees" shall be substituted. In proviso to sub-section (7) of Section 247 of the Principal Act, for the words "one thousand rupees" wherever they occur the words "twenty five thousand rupees" shall be substituted. of (1) In sub-section (1) of Section 248 of the Principal Act, for the words "five thousand rupees" and "twenty rupees" the words "five thousand rupees" and "two hundred rupees" shall be substituted. 348 (3) 7. 8. (2) (3) (4) 11 2011 in sub-section (2) of Section 58 of the Principal Act, for the words "one thousand five hundred rupees" the words "ten thousand rupees" shall be substituted. sub-section (6) of Section 250 of the Principal Act, for the words "two hundred fifty rupees" the words "one thousand rupees" shall be substituted. [In sub-section (9) of Section 250 of the Principal Act for the words "five thousand rupees" the words "thousand rupees" shall be substituted. In proviso to sub-section (9) of Section 250 of the Principal Act, for the words "one thousand five hundred rupees" the words "five thousand rupees" shall be substituted. In sub-section (4) of Section 250-B of the Principal Act, for the words "one hundred rupees" the words "five hundred rupees" shall be substituted. Amendment 253. In sub-section (1) of Section 253 of the Principal Act, for the words "one thousand rupees" the words "five thousand rupees" shall be substituted. gm Wtra•q ot (üqr fiqG 30-5-2001 16 2012—€ß 26i 1933 17 2012 31418. 16/21-wguø.11.112.—øüw1« 09-01-2012 •«rcfr, 15 2/ gru. 237 2. (1) (2) (1) (2) (3) 16 2032 4 2012) (2011 1959 (20 1959 2011 199 20 1959) t), 237 (2) 237 (3) frJ#1, 237 (3) 2012 314*1. 16i21-34Ä.,rg. 348 (3) (Æiü.fi) 2011 4 2012) 16 2012 CHHATTISGARH ACT (No. 4 of 2012) CHHATTISGARH LAND REVENUE CODE (AMENDMENT) ACT, An Act further to the Chhattisgarh Revenue Code, 1959 (No. 20 of 1959). Be it enacted by the Chhattisgarh Legislature in the Sixty-second Year of the Republic of India, as follows : 82 Short 2. (2) (1) (2) (3) This Act may be called the Chhattisgarh Land Revenue Code (Amendment) Act

2011. It shall come into force from the date of its publication in the Official Gazette. Sub-section (2) of Section 237 of the Chhattisgarh LXXI Revenue Code, 1959 (No. 20 of 1959) (hereinafter referred to as the Principal Act), shall be omitted. For sub-section (3) of Section 237 of the Principal Act, the following shall

be substituted, namely :— "(3) SuW to the rules made un&r this Code. securing the land mentimai in clause (b) of Q.b-ection (l) to mini- mum two percent (f the total agiculmue land of village, may divert such exces land as mentiõned in clause (b) of sub-soaion (l) into any other purposes agriculture, of roads, canak tanks, h«pitals, schools. colleges, power station, excavation of clay by (k'.mhars) or any o•üEr public utility projects as may be the State Govern- ment." sub-section (3) of Section 237 of the Principal Act, the following be naneky "(4) When it becomes indispensable to dna•t the land set Qan fM Lhe purposes maitioned in Nib-section (l) fcy such projects which are owoed or approved by the State covexed sub-Ection (3). Cdlector. after eat.isMng himQf that alternative land of guivalem aiea has made available for fulfilling same Nisar RiÖts, mey dival üE land for such purposes by a this effect" 30-5-2001." 109 4 14, 1934 4 2012 3717m. 16-u- 2012 t, t. 217 218 59 2. 3. 4 2012 13 2012) () 2012 1959 (1959 () (2012 (20) (59(2)] (2) 4 2012 (3) (4) -a-q-Q.. i 30'2 (3) 2012 13 4 2012 CHHATTISGARH ACT (No. 13 of 2012) CHHATTISGARH LAND REVENUE CODE (AMENDMENT) ACT. 2012 An Act further to arnend the Chhattisgarh Land Revenue Code, 1959 (No. 20 of 1959). Bc it enacted by the Chhattisgarh Legislatye in the Sixty-third Year of the Republic of Indiä, as follows (1) (2) This Act may be called the Chhattisgarh Land Revenue Code (Amendment) Act, 2012. shall come into force from the date of its publication in the Official Gazette. Shart tide and commerxemeaL 2. 3_ For second proviso of sub-section (2) of Section 59 of rhe Chhattisgarh Land Revenue Code, 1959 (No. 20 of 1959), (hereinafter referred to as the Principal Act), the following proviso shall kE substituted, namely : "Provided further that the land developed by an authority hod} CCKparate established by State Government for the purpose of clause (f) of sub-section (;) of Section 59 as specified in Schedule-IV of this Co&. shali be exempted from re- assessment for the diversion of land. After Schedule-III of Lhe Principal Act, the following Schedule-IV shah} be added, Amendment Section S'. af namely • S. No. A. B. c. "SCHEDULE-IV [See Section 59 (2)] Name of Authority/Corporate Body (2) Naya Raipur Development Auth(Fity. RaiB.ur Development Authority Chhattisgarh Housing Board S. No. (3) Naaw of Scham (4) Naya RÄ.por Kamal Vihar Integrated Township manning. Atal Vihar Planning." 2 22 ü_ 30 5-2001." 4 1934 fä-f@ 4 2013 . 117/* 4/21 27-12-2012 vrq t, t. .9 (2) 237 4 2013 Gfüfi-a-q () 2012 1959 (üNtai 20 1959) 1959 (E 20 1959) 237 (3) -Ä. (\$RT?F) 4 2013 LANI) REVENUE CODE (AMENDMENT') ACT, 2032 Aet flirlher Io amend the.Chhattisgarh Land Reve•ule Code, 1959 (No. 20 of Bc it enacted !he. in lhe .Si.u.v Ye:il of lhe of India. as follows — This At:' 1113 y bc calied the Chhattisgarh l, and Revelluc (it)de (A rnelldnlenn force from (he date of its pubreation in Shan cornc sufy section of Seclion 237 [he Chhattisparh Revenue Code - 959) (\$»e words • •as ag; abadi. c•€nslrueuon et loads, canals lanks. hospitals. schoois, ccflleges_ power slati0T1. gaushalas excavation of by pcf(ers (kuenhms) or any other public u!dily projects as Inav bc deterrnined (he the wards - -as aøru:ulture, abadi. resu_ lennal projects, consuuc- S' ate Goveerruncnl_ - lion or roads, canals, tanks, hospitals, schoo\s colleges, (Government offices. public power svstern. gaushalay e Kcavat10n (f clay hy pollers. illinor niinera!s or anv other public utility projects as he (dererlllined_ by rhe Stace Governnnt shall be stiöqitoted_ conin•eneonent_ Section 237 _ . -w.4a:- 817 3FÜ 5 2012 1372/ w 4-15/ em „'2006 21.7.2006 20056 8 2006) 817 1/ g 5 2006 ZTGT 2.Tf. Re 817 / 2006 2 , 5.11.2012 3-200ö(9 8 2006) I 1607/ fifi 26.22013 " 09.062006 2..}Tl 817 / 2006 -\$1 05. I I. 2005 / 12 e 5. 30- S-2001. 19 2013—4411 1935 fr*fq -:T4T 19 2013 7881/€t. 254/21 -3-VYIF.Æ. u/13.—gtiTHTTZ f\$ri4i 16-08 2013 t. 723 34 urn 36 46 52 2. 3. 4. S, 6. 8. (1) (2) (2) 19 32 2013) () 3fifrzrq, 2013 1959 (20 q;t19S9) 2013 (20 19S9 (1899 2) 4. -spiFi 2000 30 () 34 () it. 36 (1) it, 36 (1) sir 46 (-) 1908 : 1908 1963 (1963 () 52 (2) (2) €3) (4) 19 2013 52 (3) ü, frfq«fea 16. 1908 (1908 3tp , D 54 (2013 äf--aa 33fuf*qq. 59 (2•) fi, 7S () 81 (4) iv 59 4. (2) 81 (6) gm 97 98 81 59 7240) 53 57 98 99 132 133 143 —ctz 17. 20. 21. 22. 23. 24. toe (2) 19 2013 99 frö#t ii zil YftFii ii, 19 i i, til 128 (2) 130 ii, 132 -47 v, 133 v, ETIü, -oil 131 Ziv -ft f*Aä qftfrqfrl'ä i. 143 Elli; 19 2013 3FTUT; 27. 29. (1) (2) (2) (0) (11) (3) 172 (1) qf--e fig-a fr4g 172 (6-qi) ÄT*. 200 urn 227 234 (2) fiAfäffßd 3ifr•ru 234 (33 V, 724 (3) 165 172 urn 200 227 234 724 (4) 257 30. (3) (1) (2) 19 2013 234 (3) 257) Ärü. 257) 57 (1) 19 2013 7S*1/Zt. 2S4!2V 348 (3) afuf*aq. 2013 (32 æft20i3) 19 2013 CHHATTISGARH Acr (No. 32 of 2013) THE CHHATTISGARH LAND REVENUE (AMENDMENT) ACT, 2013 An Act Bill further to amend the Chhattisgarh Land Revenue Code, 1959 (No. 20 of 1959 j. Bc it enacted by the Chhattisgarh Legislature in the Sixty-fourth Year of the Republic Of India. as [ollows I-his Act l' shall conie Gazette. CHAIYITiR-I PRELIMINARY be called the Chhattisgarh Land Revenue (Amendment) Act. into force from the date of Its publication in the Official Short title, and commencement

6. Alter clause (o) of sub-section (1) of Section 2 of the I-and Revenue Code. 1959 (No. 20 of 1959) (here-in-after referred to as the Principal Act) shall be inserted, namely "Market Value" means the value of land assessed according to the guidelines issued by the Collector under the Chhattisgarh Bazar Mulya Margdarshak Siddhanta Ka Banaya Jana Tatha Unka Punrikshan Niyam. made under the Indian Stamp Act, 1899 (No. 2 of 1899);" In sub-section (1) of Section 34 of the Principal Act, the words "a Tahsildar" shall be omitted. In clause (c) of Section 34 of the Principal Act, for the word "twenty" the words "one thousand" shall be substituted. In sub-section (3) of Section 35 of the Principal Act, for the word "apply", the words "apply along with affidavit" shall be substituted. In sub-section (1) of Section 36 of the Principal Act, for punctuation full stop the punctuation colon ":" shall be substituted. In sub-section (1) of Section 46 of the Principal Act, the following shall be inserted, namely "Provided that during the proceedings, maximum four adjournments may be granted to each party and each adjournment shall be granted only with costs." In clause (a) Section 46 of the Principal Act, for the words, figures and symbols "the Indian Limitation Act, (IX of 1908)", the words, figures and symbols "the Limitation Act, 1963 (36 of 1963)" shall be substituted. In sub-section (2) of Section 52 of the Principal Act, the punctuation full stop "•" the punctuation colon ":" shall be substituted. In sub-section (2) of Section 52 of the Principal Act, the following shall be namely "• -Provided that the execution or the order shall not be stayed [or more than three months at a time or until the date of next hearing, whichever is earlier.]" Amendment Section 2. Amendment Section 30, Amendment Section 34, Amendment Section 35, Amendment Section 36, Amendment Section 40, Amendment Section 52, of of of of of 724 (6) Amendment Section 53, Section 54, Section 57, Amendment Section 59, Amendment Section 78- Amendment Section 81, Amendment Section 97, Amendment Section 98, Amendment Section 99, Amendment Section 100, (4) 19 2013 In sub-section (3) of Section 52 of the Principal Act, for the punctuation full stop "•" the punctuation colon ":" shall be substituted, in sub-section (3) of Section 52 of the Principal Act, the following shall be inserted, namely "Provided that execution of the order shall not be stayed for more than three months at a time or until the date next hearing, whichever is earlier." of of 9, 11, 12, 14, 15, 16, 17

18. In Section 53 of the Principal Act. for the words, figures and symbols "the Indian Limitation Act, 1908 (IX of 1908)" and "review", the words, figures and symbols "the Limitation Act, 1963 (36 of 1963)" and "review and revision" shall be substituted respectively. For Section 54 of the Principal Act, the following shall be substituted, namely — (2) Pending revision.— Notwithstanding anything contained in this chapter, all revisions pending before any Revenue Officer immediately before the coming into force of the Chhattisgarh Land Revenue (Amendment) Act, 2011 shall be heard and decided by such Revenue Officer as if the Act had not been enacted." In sub-section (2) of Section 57 of the Principal Act, the words "Sub-Divisional Officer", the word "Collector" shall be substituted. Sub-section (3) and (4) of Section 57 of the Principal Act, shall be deleted. In sub-section (2-a) of Section 59 of the Principal Act, for the words "Officer", the words "Competent Authority" shall be substituted. Section 78 of the Principal Act, shall be deleted. (2) For sub-section (4) of Section 81 of the Principal Act, the following shall be substituted, namely "(4) The fair assessment on the land used for non-agricultural purposes shall be fixed in accordance with the rules made under Section 59. Sub-section (6) of Section 81 of the Principal Act, shall be deleted. Section 97 of the Principal Act, shall be deleted. For Section 98 of the Principal Act, the following shall be substituted, namely "98. Fair assessment— fair assessment of land used for agricultural purposes shall be calculated and fixed in accordance with the principles and restrictions set forth in Section 81 and land used for non-agricultural purposes shall be fixed in accordance with the rules made under Section 59." Section 99 of the Principal Act, shall be deleted. For Section 100 of the Principal Act, the following shall be substituted, namely "100. Fixation of fair assessment at the time of revision.— In case of lands, which are being assessed for a purpose with reference to which they were assessed immediately before the revision, the assessment so arrived at exceeds, in case of agricultural land one and half times the land revenue or rent and in the case of other lands six times the land revenue or rent payable immediately before the revision the assessment shall be fixed at one and a half times such land revenue or rent in the case of agricultural land and at six times such land revenue or rent in the case of other lands: 724 (7) 19, 20, 21, 22, 23, 24, 25. (1) (2) 19 2013 Provided that, where an improvement has been effected at any time in any holding held for the purpose of agriculture by or at the expense of the holder thereof, the assessment of such holding shall be fixed as if the improvement had not been made." In sub-section (1) of Section 119 of the Principal Act, for the word "twenty-five", the words "one thousand rupees" shall be substituted.

After sub-section (I) of Section 119 of the Principal Act, the following shall be inserted, namely • XI-A) As required under Section 112. if Registering Officer does not provide the information prescribed under rules made under Section 110 within one month then Tahsildar may impose fine not exceeding five thousand rupees. which shall be recoverable as arrears of land revenue." Amendment Section 119. Amendment Section 128. Amendment Section 130. Section 132. Substitution Section 133. Section 143. Amendment Section 165. Of of or In sub-section (2) of Section 128 of the Principal Act, for the words "one rupee". the words "one hundred rupees" shall be substituted. In section 130 of the Principal Act. for the word "fifty", the words "five thousand" shall be substituted, In Section 132 of the Principal Act, for the word "one thousand", the words "ten thousand" shall be substituted. For Section 133 of the principal Act. the following shall be substituted. namely "133. Removal of obstruction.— If a Tahsildar finds that any obstacle impedes the free use of a recognized road, path or common land of a village or impedes the road or source of water which has been the subject Of a decision under Section 131, he may order the person responsible for such obstacle to remove it and if such person fails to comply with the order, he may cause the obstacle to be removed and may recover from such person the cost of removal thereof and such person shall be liable, under the written order of Tahsildar stating the facts and circumstances of the case. to a penalty which may extend to ten thousand rupees". In Section 143 of the Principal Act, the word 'Ten percent' shall be omitted. After sub-section (4) of Section 165 of the Principal Act, the following shall be inserted, namely : Notwithstanding anything contained in sub-section (1) Bhumiswami shall not transfer his land held for agriculture to any person who is not a bonafide agriculturist. Explanation— For the purpose of this sub-section, the expression "transfer" shall not include the following, namely (a) (b) (c) (d) (e) transfer by way of inheritance; transfer to legal heirs by way of will; land acquisition in public interest; transfer to or for any religious or charitable purpose, for Oust, health, culture purpose, educational institutions; transfer to department of State Government and Central Government, Units, Corporations and Companies, which are undertaking of the Government; 724 (8) Amendment Section 172. Amendment Section 200. Amendment Section 227. Amendment Section 234. Amendment Section 257. (g) 19 2013 land purchased by such person, who became landless due to land acquisition in public interest; or with the permission of the collector, for any person and to the extent as may be prescribed by the Government In this behalf. (ii) The State Government may, by notification, makes rules for carrying out the provisions of this sub-section." Of of of 26. 27. 28, 29. 30. (1) (2) For second proviso to sub-section (I) of Section 172 of the Principal Act, the following shall be substituted, namely "Provided further that if a Bhumiswami of a land, which is reserved for a purpose other than agriculture in the development plan but is used for agriculture, wishes to divert his land or any part thereof to the purpose for which it is reserved in the development plan, or land or any part thereof which is assessed for agricultural purpose and situated in any area other than an area covered by development plan to the purpose of industry, a written information of his intention, given by Bhumiswami to the Competent Authority shall be sufficient and no permission is required for such diversion Sub-section (6-a) of Section 172 of the Principal Act shall be deleted, In Section 200 of the Principal Act, for the words "two hundred" the words "two thousand" shall be substituted. In section 227 of the Principal Act, for the word "twenty", the words "one thousand" shall be substituted. (2) (3) (1) (2) For sub-section (2) of Section 234 of the Principal Act, the following shall be substituted, namely :— "(2) A draft of the Nistar Patrak shall be published in the village and after ascertaining the wishes of the Gram Sabha, as prescribed, it shall be finalised by the Sub-Divisional Officer." For sub-section (3) of Section 234 of the Principal Act, the following shall be substituted, namely "(3) A copy of the Nistar Patrak so finalised shall be kept in the office Of the Gram Panchayat." After sub-section (3) of Section 234 of the Principal Act, the following shall be added, namely :— "(4) On a resolution passed by the Gram Sabha by a majority of not less than two third of members present and voting, the Sub-Divisional Officer with the prior sanction of the Collector and after making such enquiry, may amend the Nistar Patrak." In Section 257 of the Principal Act, clause (a) shall be read as clause (a-I). In Section 257 of the Principal Act, before clause (a-I), the following new clause shall be inserted, namely :— "(a) any decision regarding any right under sub-section (1) of Section 57 between the State Government and any person". "ØFiÄ7Td/\$i/09/2012-20is" / 38 ü. 30-05-2001.' 464] 23 2014— 1, t 936 23 2014 7370/€t. 141 /21-31/YF../Ø. 14. — 21-08-2014 927 2014 1959 20 (1) 2014 1959 (h 20 f*fägt) 165 (6) (41) "1" " " •q-ur€l (6) (ZI) 2013 (2013 234 234 247 2. 3. 4. (1) (2) au-urn (3) 247 gq-urq (4) 1894 (1890T G. 2013 (2013 23 2014 7370/i.141 /21 /VTF./Ø. it.) 2014 2014) 23 2014 CHHATTISGARH ACT (No, 15 of

2014) CHHATTISGARH LAND REVENUE CODE (AMENDMENT) ACT. 2014 An Act further to amend the Chhattisgarh Land Revenue Code, 1959 (No. 20 of 1959). Be it enacted by the Chhattisgarh Legislature in the Sixty- fifth Year of the Republic of India. as follows .- (1) (2) This Act may be called the Chhattisgarh Land Revenue Code (Amendment) Act. 2014 It shall come into force from the date of its publication in the Official Gazette. 2. 3

4. In Section of 165 of the Chhattisgarh Land Revenue Code, 1959 (No.20 of 1959). (hereinafter referred to as the Principal Act),- 928 Short title commencement. Amendment Section 16.6. Amendment Section 234. A mend ment Section 247. 01 In clause (ii) of sub-section (6). for the punctuation full stop punctuation colon 'z' shall be substituted. the (11) After clause (ii) of sub-section (6), the following shall be inserted, namely : "Provided that the provision of this sub-section shall not be applicable to the land acquired under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (No. 30 of 2013)." [n Section 234 of the Principal Act,- (1) (2) In sub-section (3), for the punctuation full Stop the punctuation colon ":" shall be substituted. After sub-section (3), the following shall be added. namely "Provided that the provision of this section shall not apply case of notification of any revenue village as an urban area and adoption of a development scheme," In sub-section (4) of Section 247 Of the Prtncipal Act, for the words, figures and parentheses "Land Acquisition Act, 1894 (1 of 1894)", the words, figures and parentheses "Right to Fair Compensation and Transparency in Land Acqusition, Rehabilitation and Resettlement Act, 2013 (No. 30 of 2013)" shall be substituted. - 2014. - 203 • -12 z- GO.2-22-ø«fFFTZ / 38 ft. 30-05-2001." 265] 29 2015— 9. 1 '37 30 2015 3964/81.144/21-31/VF./o. 529 165 112 173 —123- 2. 3, 4. 5. 2015 18 Ft 2015) 2015 1959 20 1959) 1959 20 ift1959) •iFF, 173 ü- 34titq" "(1 fäfüa " 29 3üa 2015 30 2015 3964M 144/21 VT.] 15.— 348 •z (3) 30-04-2015 CHHATTISGARH Acr (No. 180f2015) CHHATTISGARH LAND REVENUE (AMENDMENT) ACY, 2015 An Act further to amend the Chhattisgarh Land Revenue Code, 1959 (No. 20 of 1959). Be it enacted by the Chhattisgarh Legislature in the Sixty-sixth Year of the Republic of India, as follows - 124 530 (i) Short title And commencement. 3. 4. (1) This Act may be called the Chhattisgarh Land Revenue (Amendment) Act, 2015. It shall come into force from the date of its publication in the Official Gazette. (2) After clause (o-a) of sub-section (i) of Section 2 of the Chhattisgarh Land Revenue Code. 1959 (No. 20 of 1959), (hereinafter referred to as the Principal Act). the following shall be inserted. namely :- "(0-5) Urban land" means land adopted for other use except agriculture in master plan:development policy Of the urban areas." After clause (ii) of second proviso to sub-section (4) of Section 165 of the Principal Act. the following shall be inserted. namely :- 'liii) There shall not be further transfer of land transferred for industrial purpose." After second proviso to sub-section (I) of Section 172 of the Principal Act. the following shall be inserted. namely "Provided further that it shall be compulsory to establish micro, small and medium industries within a period of three years and within a period of five years in case of major industries, from the date Of notice of diversion of land diverted for industrial purposes. If production after establishment of industry does not start within a abovementioned specified period then diversion shall automatically be deemed to have become void : Provided also further that the State Government may, for special reasons to be recorded in writing, extend the said period." Amendment Section 2. Amendment Section 165. Amendment Section 172. of) 25- 530 (2) Amendment Section 173. 5. 2015 In Section 1 73 of the Principal Act- (ii) After word and symbol "Relinquishments.-" and before the words "subject to the rules", the figure and parentheses "(i)" shall be inserted. After sub-section (1), the following shall be added. namely "(2) Relinquishment of diverted land under Section 1 72 of the Code may be made in accordance with sub-section (1) by giving written information to Sub-divisional Officer. " - 2015. üä;z) 2-22-ø&ß *ÄZ/38 ft. Q. 30-5-2001. " 30S] 3 12, 1924 7 2002 IF-IT a-Tfüfiqq, 3-11-2002 611 "%HRFB/\$f/09/2013-2015." / 38 ft. a. Ga•r\$, 30-05-2001. " 189] qrug(, 15, 1938 2016 4432M 148/21-31/1F. Fy. m/ 16. 377 378 237 1. 2. 2016 18 Ft2016) 2016 1959 (n 20 1959) (1) 2016 (2) 1959 zq-tllq (3) 2016 4432/81. 148/21-24/nF./Ø. 71/ 16 . — 348 (3) 05-05-2016 i. üdT, 5 zqi2016 CHHATTISGARH ACT (No. 18 of 2016) THE CHHATTISGARH LAND REVENUE CODE (AMENDMENT) ACT, 2016 An Act further to amend the Chhattisgarh Land Revenue Code, 1959 (No. 20 of 1959). Be it enacted by the Chhattisgarh Legislature in the Sixty-seventh Year of the Republic of India, as follows :- 378 (1) Short title and commencement. (1) (2) This Act may be called the Chhattisgarh Land Revenue Code (Amendment) Act, 2016. It shall come into force from the date of its publication in the Official Gazette

2. In Section 237 of the Chhattisgarh Land Revenue Code, 1959 (No.20 of 1959), - Amendment Section 237. Of (a) (b) after sub-section (3), the following shall be inserted, namely "(3-a) Where the land kept for the purposes mentioned under clause (b) of sub-section (1) is found within the area identified for any industrial, commercial or mining project, then the collector may divert such land for the above mentioned purposes, but such diversion can be made only when equivalent land is provided for the purpose of clause (b) of sub-section (1) within the same village." in sub-section (4), after the words "alternative land of equivalent area" the words "in the same village" shall be inserted. - 2016. / 09 / 2 013 — 2 0 15. / 38 fig. Q. Galt, 30-05-2001.' 301] (e.RTüT(OT) 18 2018 — 1940 14 2 018 8212/€1. 152/21-ØÆ/UTF./Ø. q./18. 02-08-2018 601 602 237 Short title and commencement. Amendment Section 237. 1. 2. 18?FTa2018 2018) 2018 , 1959 (n 20 1959 (h 2F:ft1959) 237 (1) ü, (u) 2018 8212/€r. 152/21-31/4F./Ø. VT./18,— 348 (3) CHHATTISGARH ACT (No, 18 of 2018) THE CHHATTISGARH LAND REVENUE CODE (AMENDMENT) ACT, 2018 An Act further to amend the Chhattisgarh Land Revenue Code, 1959 (Noe 20 of 1959). Be it enacted by the Chhattisgarh Legislature in the Sixty-ninth Year of the Republic of India, as follows 1 2. (1) (2) This Act may be called the Chhattisgarh Land Revenue Code (Amendment) Act, 2018. It shall come into force from the date of its publication in the Official Gazette. of In Section 237 of the Chhattisgarh Land Revenue Code 1959 (No. 20 of 1959), in sub-section (1), in clause (d) after the words for gaothan the words and establishment of Gowshala and animal holding premises " shall be inserted. - 2018 4 2022 CHHATTISGARH ACT (No. 6 of 2022) THE CHHATTISGARH LAND REVENUE CODE (AMENDMENT) ACT, 2022 An Act further to amend the Chhattisgarh Land Revenue code, 1959 (No. 20 of 1959) Be it enacted by the Chhattisgarh Legislature in the Seventy-Third Year of the Republic of India, as follows : 1. 2. (1) (2) This Act may be called the Chhattisgarh Land Revenue Code (Amendment) Act, 2022. It shall come into force from the date of its publication in the Official Gazette. In Section 2 of the Chhattisgarh Land Revenue Code, 1959 (No. 20 of 1959), (hereinafter referred to as the Principal Act), - 664 (29) Short title and commencement. Amendment of Section 2. (i) in sub-clause (iii) of clause (b) of the sub-section (1), before the word norchardst', the words and symbol "commercial plantations, " shall be inserted. in sub-clause (i) of clause (t) of sub-section (1), the words and figure "by an occupancy tenant to his Bhumiswami in according to the 664 (30) 3. Amendment of Section 11. 4 2022 provisions of Section 188 or" shall be omitted. (iii) for clause (u) of sub-section (1), the following shall be substituted, namely:- "(u) "Revenue Officer" . means the Revenue Officer mentioned in Section 11;" (iv) clause (y) of sub-section (1) shall be omitted. (v) after clause (z-5) of sub-section (1), the following shall be inserted, namely:- " (z-6) Development Plan shall have the same meaning as defined in the Chhattisgarh Nagar Tatha Gram Nivesh Adhiniyam, 1973 (No. 23 of 1973)." For Section 11 of the Principal Act, the following shall be substituted, namely :- "11. Revenue Officers.- There shall be the following classes of Revenue Officers, namely:- (1) Commissioner, Laid Records; (2) Additional Commissioner, Land Records; 4 2022 (3) Commissioner; (4) Additional Commissioner; (5) Collector and District Survey Officer; (6) Additional Collector; (7) Sub-Divisional Officer (Sub Divisional Officer (Revenue)) and Deputy Survey Officer; (8) Assistant Collector; (9) Joint Collector; (10) Deputy Collector; (11) Tahsildar and Assistant Survey Officer; (12) Additional Tahsildar (Additional Tahsildar) ; (13) Superintendent of Land Record; 4. (14)Naib Tahsildar; and (15)Assistant Superintendent Land Records.' Sub-section (3) of Section 13 of Principal Act shall be omitted. For Section 22 of the Principal Act, following shall be substituted, namely:- of the the 664 (31) Amendment of Section 13. Amendment of Section 22. 664 (32) Amendment of Section 33. Amendment of Section 40. Amendment of Section 41. Amendment of Section 44. 4 2022 22.Sub-Divisional Officer. The 6. 7. 8

9. Collector may make any one or more Assttand Collectors or Joint Collectors or Deputy Collectors in charge of One or more Sub-Divisions of the district who shall exercise such powers and perform such duties as may be prescribed by this Code or conferred or imposed on a Sub- Divisional Officer under the Code or any other enactment for the time being in force." In sub-section (1) of Section 33 of the Principal Act, for the figure "41 the figure "258" shall be substituted. In Section 40 of the Principal Act, the words "in accordance with the provisions of this Chapter" shall be omitted. Section 41 of the Principal Act shall be omitted. For Section 44 of the Principal Act, the following shall be substituted, namely: "44. Appeal and Appellate Authority.-(1) Save as otherwise provided, an appeal shall lie from every original order passed under this Code or rules made thereunder— 4 2022 (a) if such order is passed by a Revenue Officer sub-ordinqte to the Sub-Divisional Officer, to the Sub-Divisional Officer; (b) if such

order is passed by a Revenue Officer sub-ordinate to the Deputy Survey Officer, to the Deputy Survey Officer; (c) if such order is passed by the Sub-Divisional Officer to the Collector; (d) if such order is passed by the Deputy Survey Officer to the District Survey Officer; (e) if such order is passed by any Revenue Officer in respect of whom a direction has been made under sub-section (3) of Section 12 or Section 21 to such Revenue Officer as the State Government may direct; (f) if such order is passed by the Collector to the Commissioner; (g) if such order is passed by the District Survey Officer to the Commissioner, Land Records; 664 (33) 4 2022 664 (34) (h) if Such order is! paSsed by the Commissioner or the Commissioner, Land Records to the Board of Revenue. (2) Save as otherwise provided, under this Code or the rules made thereunder, second appeal against every order passed in first appeal shall lie- (a) if such order has been passed by the Sub-Divisional Officer or the Deputy Survey Officer or the Collector or the District Survey Officer, to the Commissioner; (b) if such order has been passed by the Commissioner or the Commissioner, Land Records, to the Board of Revenue. (3) A second appeal shall lie on the following grounds, namely: (a) if the original order has in the first appeal been varied or reversed, otherwise than in a matter of cost; or 4 2022 (b) if the order is contrary to law or usage having the force of law; or (c) if the order has failed to determine some material issue of law or usage having force of law; or (d) if there has been a substantial error or defect in the procedure as prescribed by this Code, which may have produced error or defect in the decision of the case upon merits. (4) An order passed in review varying or reversing shall be appealable in like manner as the original order." 10

11. Section 45 of the omitted. In sub-section (1) Principal Act, - Principal Act shall be of Section 50 of the words "Settlement 664 (35) Amendment of Section 45. Amendment of Section 50. (1) (2) for the Commissioner" , wherever they occur, the words "Commissioner, Land Record" shall be substituted. for the words "Settlement Officer" wherever they occur, the words 664 (36) Amendment of Section 51. Amendment of Section 59. Amendment of Heading and Sub- heading 'Nof Chapter VII. 4 2022 'District Survey Officer" shall be substituted. In clause (i) of proviso of sub-section (1) of Section 51 of the Principal Act,- 12. 13. 14. (1) (2) "Settlement for the words wherever they Commissioner" occur, the words 'Commissioner, Land Record" shall be substituted. for the words "Settlement Officer" wherever they occur, the words "District Survey Officer" shall be substituted. For the first proviso of sub-section (2) of Section 59 of the Principal Act, the following shall be substituted, namely . "Provided that, the State Government, may give exemption, on mentioned conditions, upto the limits specified by Notification, to new micro and small industries." In Chapter VII of the Principal Act, (1) for the Heading "Revenue Survey and Settlement in Non-Urban Areas", the words "Land Survey and Land Revenue Assessment" shall be substituted. 15. 16. 17. 4 2022 (2) for the sub-heading, "A.- Application of Chapter and Officers tq conduct Revenue Survey and/or Settlement", the words "A-Officer" shall be substituted. Section 61 of the Principal Act shall be omitted. For Section 62 of the Principal Act, the following shall be substituted, namely:- 62. Appointment of Commissioner of The Land Records.- State Government may, appoint a Commissioner of Land Records, who shall, subject to the directions issued by the State Government in this regard, manage and control the land survey and land records." In Section 63 of the Principal Act, (1) for the words "Additional Settlement Commissioner", wherever they occur, the words "Additional Commissioner, Land Records" shall be substituted. words (2) for the "Settlement Commissioner", wherever they occur, the words "and "Commissioner, Land Records." shall be substituted. 664 (37) Amendment of Section 61. Amendment of Section 62. Amendment of Section 63. 664 (38) Amendment of 18. Section 64. 4 2022 For Section 64 of the Principal Act, the following shall be substituted, namely:- '64. Appointment of District Survey Officer, Deputy Survey Officer and Assistant Survey Officer.- (1) In respect of lands which are subject to land survey:- (a) the Collector of the district shall be the District Officer; Survey (b) the Additional Collector of the district, on written order of the Collector, may act as District Survey Officer for the allocated area; (c) the Sub-Divisional Officer of the sub-division shall be Deputy Survey Officer; (d) Tahsildar, Additional Tahsildar or Naib Tahsildar shall be Assistant Survey Officer within their respective jurisdiction. (2) All District Survey Officers shall sub-ordinate to. the be Commissioner of Land Records. 19. 4 2022 (3) All the DeNuty Survey Officers and Assistant Survey Officers in the district} shall be sub-ordinate to the District Survey Officer. (4) All the Assistant Survey Officers in the sub-division shall be sub- ordinate to the Deputy Survey Officer." For Section 65 of the Principal Act, the following shall be substituted, namely:- "65. Powers of District Survey Officer, Deputy Survey Officer and Assistant Survey Officer.- (1) The Power of the Collector, Sub divisional Officer or Tahsildar under this code in respect of

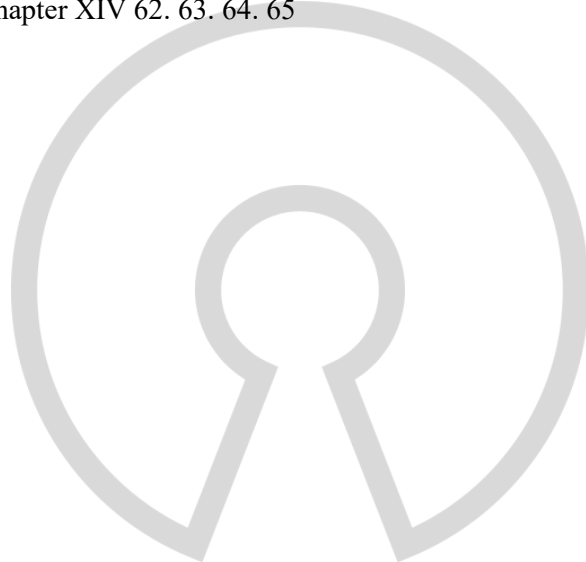
the land subjected to land survey shall vest in District Survey Officer, Deputy Survey Officer or Assistant Survey Officer respectively. (2) The State Government may vest, in the Deputy Survey Officer or Assistant Survey Officer, all or any of the powers of the District survey Officer under this Code." 664 (39) Amendment of Section 65. 664 (40) Amendment of Sub-heading 'B' of Chapter VII. Amendment of Section 66. Amendment of Section 67. 20. 21. 22. 4 2022 In Chapter VII of the Principal Act, for the sub-heading, "B. Revenue Survey" the words "B-Land Survey" shall be substituted. For Section 66 of the Principal Act, the following shall be substituted, namely:- "66. Definition of Land Survey.- "Land survey" means any or more or all of the following activities, namely:- (1) The division of land into survey numbers/ plot numbers, validation and re-organization of the existing survey numbers/ plot numbers, or creation of new survey numbers/ plot numbers; (2)Preparation of a map of the land or to revise or Improve it, as the. case may be; (3) Preparation of record of rights; (4)Preparation of field book containing each survey number/ plot number, as the case may be; (5)Preparation of any other record, as may be prescribed." For Section 67 of the Principal Act, the following shall be substituted, namely: 664 (41) 67. 4 2022 Notification of proposed land survey.- (1) The District Survey Officer may commence land survey in the whole or any area of his charge by publishing a notification to that effect in the Official Gazette. (2) The lands notified under sub- section (1) shall, from the date of the said notification, be deemed to be subject to land survey until a declaring notification the termination of such land survey is issued by the District Survey Officer. (3)There shall be a land survey by the District Survey Officer in the following circumstances:- (a) on the direction of the State Government; (b) on the completion of 30 years of the previous survey; (c) if the reference map is dilapidated or unavailable; (d) such other circumstances as the District Survey Officer may deem fit. " 664 (42) Amendment of Section 68. Amendment of Section 69. Amendment of Section 70. 23. 25. 4 2022 In Section 68 of the Principal Act,- (1) for the words "Settlement Officer", the words "District Survey Officer" shall be substituted. "revenue survey", the (2) for the words survey" shall be "land words substituted. Principal Act, for the In Section 69 of the Officer", the words words "Settlement shall be "District Survey Officer" substituted. For Section 70 of the Principal Act, the following shall be substituted, namely:- "70. Power to re-number or sub-divide or amalgamate survey numbers. (T) The District Survey Officer may, with a view to acquisition of rights in the land or for any other reason, renumber the survey numbers and divide them into as many parts, as may be required, and amalgamate more than one survey number into a single survey number. (2) Division of any survey number or amalgamation of survey numbers shall be done in 26. 27. 28. 29. 30. 4 2022 accordance with the rules made under this Code. (3) Whenever the survey numbers are renumbered, the District Survey Officer shall rectify the entries in all the records prepared or maintained under this Code." In Section 72 of the Principal Act, for the words "Settlement Officer", the words 'District Survey Officer' shall be substituted. In Section 73 of the Principal Act, for the words "Settlement Officer" wherever they occur, the words "District Survey Officer" shall be substituted. In Section 74 of the Principal Act, for the words "revenue survey", the words "land survey" shall be substituted. In Chapter VII of the Principal Act, for the sub-heading, "C.- Settlement of rent", the words "C-Land Revenue Assessment" shall be substituted. Section 76 of the Principal Act shall be omitted. 664 (43) Amendment of Section 72. Amendment of Section 73. Amendment of Section 74. Amendment of Sub-heading 'C'of Chapter VII. Amendment of Section 76. 664 (44) Amendment of Section 77. Amendment of Section 79. Amendment of Section 80. 31. 32

33. Amendment of 34.Section 82. 4 2022 For sub-section (1) and (2) of Section 77 of the Principal Act, the following s all be substituted, namely: ' 77. Fixation of assessment rates.- (1) The District Survey Officer shall assess the land revenue for each survey number/ plot number or their parts as per the rate fixed by the State Government. (2) Where a holding is made up of many survey numbers/plot numbers, District Survey Officer shall fix applicable land revenue separately for each survey number/ plot number." Section 79 of the Principal Act shall be omitted. In Section 80 of the Principal Act,- (1) for the words "Settlement Officer", the words "District Survey Officer" shall be substituted. (2) for the words "Settlement", the words "land revenue assessment" shall be substituted. For Section 82 of the Principal Act, the following shall be substituted, namely:- "82. 4 2022 Land revenue assessment to be effective.- When the assessmenv of land revenue of any land is done in accordance with Section 77 and 81, such asseSsment shall take effect from the next revenue year, and the assessment so made, until it is changed in accordance with this Code or any other law, shall remain effective. " 35. 36. 37. 664 (45) Amendment of

Section 83. Amendment of Section 84. Amendment of Section 85. Section 83 of the Principal Act shall be omitted. In Section 84 of the Principal Act, for the word "settlement", the words "land revenue assessment" shall be substituted. For Section 85 of the Principal Act, the following shall be substituted, namely:- "85. Term of assessment of land (1) The term of revenue.- assessment made by the District Survey Officer shall, ordinarily, be of 30 years. (2) In special circumstances, specifying the reason, the State Government, may give directions to the District Survey Officer to change the assessment of land revenue for the whole area or for a 664 (46) Amendment of Section 86 and 87. Amendment of Section 88. 38. 39. 4 2022 particular area even before 30 years, but such instructions can not be given before 15 years of assessment of land revenue. (3) After the expiry of the term of assessment made on any land, the sub-divisional officer shall have the jurisdiction to revise the land revenue of that land. (4) Notwithstanding that the term of assessment of land revenue in a particular area has expired, if a new assessment has not been made in respect of that, it shall be deemed that the rate of land revenue shall remain the same till the upcoming land revenue assessment. " Section 86 and 87 of the Principal Act shall be omitted. In Section 88 of the Principal Act,- (1) for the words "Settlement Officer" wherever they occur, the word 'District Survey Officer' shall be substituted. (2) for the words '(land words substituted. "revenue survey" , survey' shall the be 4 2022 In Section 89 of the Principal Act, 40. 41. 42. (1) (2) for the words "revenue sturvey "land survey" shall words substituted. the be for the word "settlement", the words "land revenue assessment" shall be substituted. For Section 90 of the Principal Act, the following shall be substituted, namely:- "90. Powers of the Collector after the completion of the land survey.- The powers of the District Survey Officer under Section 68, 72, 73, and 77 shall be with the Collector, after the completion of the land survey. " For Section 91 and 91 -A of the Principal Act, the following shall be substituted, namely:- "91. Powers of Tahsildar after the land survey is over.- After the land survey is over, the powers of the District Survey Officer under Section 69 and 70 shall be with the Tahsildar. 91-A. Power to make rules.- The State Government may make rules to regulate generally the conduct of a 19 664 (47) Amendment of Section 89. Amendment of Section 90. Amendment of Section 91 and 91-A. 664 (48) Amendment of Section 92. Amendment of Section 94. Amendment of Section 101. Amendment of Section 107. 43. 44. 45. 46. 4 2022 land survey or land revenue assessment under this Code.' In clause (ii) of the Explanation to sub- section (2) of Section 92 of the Principal Act, for the word "settlement", the words "land revenue assessment" shall be substituted. In proviso of sub-section (2) of Section 94 of the Principal Act, for the word "settlement", the words "land revenue assessment" shall be substituted. In Section 101 of the Principal Act, for the word "settlement" wherever they occur, the words "land revenue assessment" shall be substituted. In Section 107 of the Principal Act, (1) for the words 'Tield map", wherever they occur, the words "map of the land" shall be substituted. (2) in sub-section (5), for the words "Settlement Officer", the words "District Survey Officer*" shall be substituted. (3) in sub-section (5), for the words "revenue survey", the words "land survey" shall be substituted. 47. 4 2022 In Section 108 of the Principal Act, (1) in sub-section (1), after the word "village", the words "and urban area" shall be inserted. (2) in clause (b) of sub-section (1), the words "occupancy tenants and" shall be omitted. (3) in sub-section (2), for the words "revenue survey", the words "land survey" shall be substituted. For Section 110 of the Principal Act, the following shall be substituted, namely:- "110. Mutation of acquisition of right in land records.- (1) The Patwari shall record every acquisition of right which has been reported to him under Section 109 or which comes to his notice on information received through online medium or any other source, in the online e-Namantaran portal prescribed for the purpose. (2) All such reports relating to the acquisition of right, as the case may be, received by the Patwari under sub-section (1), shall be sent to the Tahsildar within 664 (49) Amendment of Section 108. Amendment of Section 110. 664 (50) 4 2022 prescribed time period by the State Government in such manner and in such form as may be prescribed. On receipt of intimation under Section 109 or on receipt of intimation of acquisition of such rights through online medium or from any other source, the Tahsildar within prescribed time period, shall, (a) initiate the process of mutation in the online e-Namantaran portal, (b) issue notice to all the interested parties, (c) publish the public notice or advertisement on the official notice board, at the designated place in the concerned village/ city and on the departmental web portal. (4) On receipt of objection in any case or if the Tahsildar finds the matter to be disputed for any reason, he shall register the case by transferring it to his e-revenue court from the online 4 2022 Namantaran portal, otherwise all the proceedin%s in the case will be done through the online e-Namantaran portal. (5) The Tahsildar shall, after giving the interested persons a reasonable opportunity of

being heard and after making such further inquiry as he may deem necessary, pass orders relating to the mutation and shall make necessary entries in such other relevant land records including the khasra and map of the village, as the case may be. The patwari shall verify the records by correcting them within prescribed time period, after which the Tahsildar shall file the case. (6) Notwithstanding anything contained in Section 35, no case under this Section shall be dismissed in the absence of any party and shall be disposed of in order of merit. (7) On the basis of registered document, after publication of advertisement and service of information to the concerned 664 (51) 664 (52) Amendment of Section 114. 49. 4 2022 interested parties regarding the mutation on any land, appropriate orders will be passed on the basis of the document in case of any objection are not received or absence of the parties. (8) All proceedings under this Section, shall be completed within prescribed time period. In the case, where the cases are not disposed off within the specified period, the Tahsildar shall report the information of pending cases to the Collector in such form and manner as may be prescribed." For Section 114 of the Principal Act, the following shall be substituted, namely:- '114. Land Records.- The following land records shall be prepared for each village and urban areas, namely: (a) the map of the village/ urban area, the map of the Abadi and the map of the land under Section 107, (b) record of rights under Section 108, 50. 4 2022 (c) B-I khasra/nazul maintenance khasra or field book in such form as may be prescribed, (d) Kisan Kitab under Section 114- (e) the details of all unoccupied land under Section 233, (f) Nistar Patrak under Section 234, (g) Wajib-ul-Arz, if any, under Section 242, (h) register related to boundary and boundary marks, (i) the details of the diverted land, (i) the Encroachment Register, (k) any other record as may be prescribed. " For Section 115 of the Principal Act, the following shall be substituted, namely • 115. Correction of wrong or incorrect entry in land record.- (1) Sub- divisional Officer may, on his own motion or on application of an aggrieved person, after making such enquiry as he deems fit, correct any wrong or incorrect entry including an un-authorised 664 (53) Amendment of Section 115. 664 (54) Amendment of Section 116. Amendment of Section 124. 51. 52. 4 2022 entry in the land records prepared under Section 114 other than Kisan Kitab and record of rights, and such corrections shall be authenticated by him Provided that no action shall be initiated for correction of any entry pertaining to a period prior to five years without the sanction in writing of the Collector. (2) No order shall be passed under sub-section (1) without,- (a) getting a written report from the Tahsildar concerned ; and (b) giving an opportunity of hearing to all parties interested: Provided that where interest of Government is involved, the Sub Divisional Officer shall submit the case to the Collector. (3) On receipt of a case under sub- section (2), the Collector shall make such enquiry and pass such order as he deems fit. " Section H6 of the Principal Act shall be omitted. For Section 124 of the Principal Act, the following shall be substituted, namely:- 53. 54. 55. 4 2022 '124. Construction of boundary marks.- (1) The boundaries of all villages and urban areas shall be fixed and demarcated by permanent boundary marks. (2) The State Government may, by order that the notification, boundaries of all survey numbers or plot numbers should also be fixed and demarcated by boundary marks." In Section 125 of the Principal Act, after the words "villages," , wherever they occur, the words "urban areas," shall be inserted. In Section 134 of the Principal Act, for the words "five hundred rupees", the words "five thousand rupees" shall be substituted. For sub-section (3) of Section 135 of the Principal Act, the following shall be substituted, namely:- "(3) The compensation payable in respect of such land shall be in accordance with the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (No.30 of 2013)." 664 (55) Amendment of Section 125. Amendment of Section 134. Amendment of Section 135. 664 (56) Amendment of Section 161. Amendment of Section 165. Amendment of Section 168. Amendment of Section 170-B. 56. 57. 58. 59. 4 2022 In Section 161 of the Principal Act, for the words "settlement", wherever they occur, the words "land revenue assessment" shall be substituted. In Section 165 of the Principal Act,- (1) In sub-section (1), before the word and figure "Section 168", the words and figures "Section 158 and" shall be Inserted. (2) Sub-section (4-A) shall be omitted. After sub-section (5) of Section 168 of the Principal Act, the following shall be added, namely: - "(6) Against persons found guilty of contravention of Section 168, the Sub-Divisional Officer, as he thinks fit, may impose a fine not exceeding Twenty Five Thousand rupees per person. " In clause (b) of sub-section (3) of Section 170-B of the Principal Act, for the words and figures "Land Acquisition Act, 1894 (No. 1 of 1894)", the words and figures "Right to Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (No. 50 of 2013)" shall be substituted. 60. 61. 4 2022 In sub-section (4) of Section 172 of the Principal Act, for the words "one

thousand rupees", the words "ten thousand rupees" shall be substituted. After Section 178-A of the Principal Act, the following shall be inserted, namely: '178-B. Disposal of applications received for partition of holding.- (1) The Tahsildar shall issue notice to the interested parties and publish public notice or advertisement by first entering the applications received for partition in the e Namantaran portal (2) On receipt of objection in any case or if the Tahsildar finds the matter to be disputed for any reason, he shall register the case by transferring it to his e-revenue court from the online e- Namantaran portal, otherwise all the proceedings in the case will be done through the online e- Namantaran portal. (3) On receipt of an application under this Section by any means, the Tahsildar shall, within prescribed time period, (a) initiate the process of 664 (57) Amendment of Section 172. Insertion of New Section 178-B. 664 (58) (b) (c) 4 2022 mutation in the online e- Namantaran portal, issue notice to all the interested parties, publish the public notice or advertisement on the official notice board, at the designated place in the concerned village/ city and on the departmental web portal. (4) The Tahsildar shall, after giving the interested persons a reasonable opportunity of being heard and after making such further inquiry as he may deem necessary, pass orders relating to the partition and shall make necessary entries in such other relevant land records including the khasra and map of the village, as the case may be. The patwari shall verify the records by correcting them within prescribed time period, after which the Tahsildar shall file the case. (5) All proceedings under this Section, —shall be completed 2022 within prescribed time period. In the case, where the cases are not disposed off within the specified period, the Tahsildar shall report the information of pending cases to the Collector in such form and manner as may be prescribed. " 184 of the Principal Act shall be Principal Act, "Chapter XIV 62. 63. 64. 65



66. Section omitted. In the Occupancy Tenants" and Sections relating thereto 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201 and 202 shall be omitted. In Section 203 of the Principal Act, for the "settlement", the words "land revenue assessment" shall be substituted. In Section 210 of the Principal Act, for the words "Settlement Commissioner", the words "Commissioner, Land Records" shall be substituted. Sub-section (3) of Section 222 of the Principal Act, shall be omitted. 664 (59) Amendment of Section 184. Amendment of "Chapter XIV : Occupancy Tenants" Amendment of Section 203. Amendment of Section 210. Amendment of Section 222. 664 (60) Amendment of Section 229. Amendment of Section 232. Amendment of Section 233. Amendment of Section 234. 67. 68. 69. 70. a 2022 In Section 229 of the Principal Act, for the words "a Gram Panchayat or where a Gram Panchayat has not been constituted, to a Gram Sabha constituted in accordance with the provisions of section 232", ; the word "other" shall be substituted, Section 232 of the Principal Act shall be omitted. In Section 233 of the Principal Act, (1) after the word "village", the words "and urban area" shall be inserted. (2) after clause (a), the following shall be added, namely:- "(b) it shall not make any entry inconsistent with the purposes prescribed in the notified development plan, if any. " For sub-section (4) of Section 234 of the Principal Act, the following shall be substituted, namely:- "(4) On a resolution passed by the Gram Sabha, as provisioned in the Chhattisgarh Panchayat Raj Adhiniyam, 1993 (No. 1 of 1994), the Sub-divisional Officer with the prior sanction of the Collector and after making necessary enquiry may amend the Nistar Patrak." 4 2022 In Section 241 of the Principal Act? 71. 72. 73. (1) (2) in sub-section (4), for the word "Collector", wherever they occur, the "Sub-Divisional Officer words (Revenue)" shall be substituted. in sub-section (5), after the words "or domestic purposes", the words and figures "up to a maximum limit of 02 cubic meters in a calendar year" shall be inserted. In Section 243 of the Principal Act, for the words and figures "the Land Acquisition Act, 1894 (1 of 1894)", the words and figures "the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (No. 30 of 2013)" shall be substituted. For Section 246 of the Principal Act, the following shall be substituted, namely:- "246. Right of persons holding house site in Abadi.- Every person who, immediately before the coming into force of the Chhattisgarh Land Revenue Code, 1959 (No. 20 of 1959), lawfully holds any land under Abadi or hereafter lawfully acquire such land shall be the Bhumiswami 664 (61) Amendment of Section 241. Amendment of Section 243. Amendment of Section 246. 664 (62) Amendment of Section 250. Amendment of 4 2022 in respect of such land. The occupier shall be the Bhumiswami in respect of land mentioned in land ownership certificate given under any law/ rule by the State Government to the occupier of the land as a house site in abadi or in unoccupied land. " In Section 250 of the Principal Act, 74. 75. (1) (2) (3) in sub-section (1), the words "occupancy tenant and" shall be omitted. clause (a) and (b) of sub-section (I-a) shall be omitted. in sub-section (3), the words "occupancy tenant or" shall be omitted. Section 252, 254 and 255. Amendment of 76. Section 257. Section 252, 254 and 255 of the Principal Act shall be omitted. In Section 257 of the Principal Act, (1) for clause (b), the following shall be substituted, namely: (b) any question as to the validity or effect of a notification of land survey or to the term of land revenue assessment.' 77. 4 2022 (2) in clause (c), for the words "Settlement Officer", the "District Survey Officer" shall be substituted. (3) clause (n), (o), (p), (q), (r), (s), (t), (u) and (z-1) shall be omitted. In sub-section (2) of Section 258 of the Principal Act,- (1) after clause (i), the following shall be inserted, namely:- "(i-a) prescribing the form for the proposal under Section 13;" (2) after clause (iv), the following shall be inserted, namely,- "(iv-a) prescribing the powers and duties to be exercised under sub-section (2) of Section 63;" (3) in clause (vi), before the words 'division of survey numbers', the words "amalgamation and" shall be inserted. (4) clause (xi) shall be omitted. (5) in clause (xii), for the words "revenue survey or settlement", the words "land survey or land revenue assessment" shall be substituted, (6) after sub-clause (b) of clause (xxiv), the following shall be inserted, namely:- 664 (63) Amendment of Section 258. 664 (64) 4 2022 '(c) regulation of procedure and form report of acquisition of rights, sketch prior intimation, to mutation, receipt, notice, copy, fees, information of pending and other related cases documents, for the purpose of Section 109 and 110; (7) after clause (xxviii), the following shall (8) (9) be inserted, namely:- '(xxviii-a) the manner of summarily ejectment under Section 126;" in clause (xxxvi), for the words "settlement", the words "land revenue assessment" shall be substituted. after clause (xxxvi), the following shall be inserted, namely:- '(xxxvii) Procedure to be followed in e-Namantaran Portal and e-Revenue Court Portal;" (10) after clause (xiv), the following shall be inserted, namely:- "(xiv-a) regulation of the partition of land during the lifetime of a Bhumiswami under Section 178-A;" 4 2022 (11) after clause

(xlv), the following shall be inserted, inamely:- " the service of summons, notices and other processes by post or in any other manner either generally or in any specified areas and proof of such service; (b) the regulation of the power of revenue officers to summon parties and witnesses and the grant of expenses to witnesses; (c) the regulation of recognized agents with regard to appearances, applications and acts done by them in proceedings under this Code; (d) the procedure to be observed in effecting attachment of movable and immovable properties; (e) the procedure for publishing, conducting, setting aside and confirming sales and all ancillary matters connected with such proceedings; 664 (65) 664 (66) 4 2022 (f) the maintenance and custody, while under attachment, Of livestock and other movable property, the fees payable for such maintenance and custody, the sale of such livestock and property and the proceeds of such sale; (g) the consolidation of appeals and other proceedings; (h) all forms, registers, books, entries and accounts which may be necessary or desirable for the transaction of the business of Revenue Courts; (i) the time within which, in the absence of provision, applications may be filed; any express appeals or for revision (j) the costs of, and incidental to, any proceedings; (k) the examination of witnesses on commission and of payment expenses 4 2022 to 664 (67) incidental examination; such (1) the licensing of petition writers and the regulation of their conduct. " (12) (13) clause (xlvii), (xlviii), (xlviii-A), (xlix), (1), (li) and (lvi) shall be omitted. after clause (lxv), the following shall be inserted, namely: "(lxv-a) regulation to give effect to the provisions of Section 250;" clause (lxvii) and (lxviii) shall be omitted. - 2022. / 38 30-05-2001." Eki*. 601] 7 2022 IS 1944 7 2022 10931/ & / 0.71/22. - \$1 t \$1 fäg 1201 1 202 158 2. 7 2022 15 2022) 2022 (73. 20 1959) 2022 1959 (n. 20 1959) (€r 158 (3) 20 zrr 7 2022 348 (3) 10931/ * 98/21— 3F/ARö / 22 07 10—2322 CHHATTISGARH ACT (No. 15 0f2022) THE CHHATTISGARH LAND REVENUE CODE (AMENDMENT) ACT, 2022 An Act turther to amend the Chhat lisgarh Land Revenue code, 1959 (No. 20 of 1959). Be it enacted by the Chhattisgarh Legislature in the Seventy- Third Year of the Republic of India, as follows .- (2) This Act may be called the Chhattisgarh Land Revenue Code (Amendment) Act, 2022. It shall come into force from the date of its publication in the Official Gazette. After sub-section (3) of Section 158 of the Chhattisgarh Land Revenue Code, 1959 (No. 20 of 1959), (hereinafter referred to as the Principal Act), the following shall be added, namely:- "(4) Every person, who is holding land by virtue of a lease granted to him by the State Government or the Collector or the Allotment Officer, on the date of completion of 20 years since the date of such allotment, shall be deemed to be a Bhoomiswami jn respect of such' Short title and commencement. Amendment of Section 158. land and shall be subject to all the rights and liabilities conferred and imposed upon a Bhoomiswami by or under this Code " / 09 / 2013— 2015. / 38 Q. 30-05-2001." 167] 24 2023— 4, 1945 21 2023 m. 5130/€1. — -2 333 334 24 2023 8 2023) 2023. 1959 F. 20 1959) 1. 2023 2 2. 1959 (m. 20 1959) RAT* TTEIT< (l) (31) F) (24) (1) (a) 3.i@5 1879 (1879 TT 18)" X.QTFT 1961 (ü. 25 1961)" I (€TR) i3-q— ETRT (l) 3. 4. 5. 24 2023 ' 'eth" "VT" (u—8) "aia-vf 1882 F. 4 1882) 33 (2) GTTR I 40 fi5-g l" 47 Gig, 334 (1) 33 40 47 334 (2) 50 6. 24 2023 '47. qRN-frT— afi-a, 60 50 AR, qTg, faRöG 60 3TING" 7. 8. 9. 10. 11. 12. 24 2023 51 (1) "qa Rat' "60 52 (2) (3) .34*QT 56 ' 'uT 98, 101, 102 103 115 (l) \$1 124 (2) 334 (3) 52 56 98, 101, 102 103 115 124 334 (4) 158 165 13. 14. 15. 24 2023 -158 'fifi vet" 162 GTRT, ft--U1-u--å 165 Q.ft (trq) 16. 17. 18. 24 2023 150 (4) Q.fr ai<VT 166 (3) 31Qiq:— 165 169 I 170 -uT" qTg I (fiq) (2) 334 (5) 166 169 170 334 (6) 172 ETRf 174 182 246 248 20. 21. 22. 23 _ 24 2023 172 "EITV[" "qqqq5" GTR I ."GNff I -\$1 174 I 182 (2) "(3) ft-u-qSi -0 *7111" ETRT 246 "UdRfi-æ 1959 (ü. 20 1959) -0 -0 e-iq "01 2000 # I 248 F) (2—0 @) 334 (7) 258 24. 24 2023 2.58 *7fi" I 21 2023 348 (3) m. 5130/ Sr. 51 334 (8) 24 2023 CHHATTISGARH ACT (No. 8 of 2023) THE CHHATTISGARH LAND REVENUE CODE (AMENDMENT) ACT, 2023. An Act further to axnend the Chhattisgarh Land Revenue Code, 1959 (No. 20 of 1959). Be it enacted by the Chhattisgarh Legislature in the Seventy-Fourth Year of the Republic of India, as follows :- Short title and commencement. Amendment of Section 2. (1) 1. (2) 2. This Act may be called the Chhattisgarh Land Revenue Code (Amendment) Act, 2023. It shall come into force from the date of its publication in the Official Gazette. In Section 2 of the Chhattisgarh Land Revenue code, 1959 (No. 20 of 1959), (hereinafter referred to as the Principal Act) , (i) (ii) in entry (b) of sub-clause (v) of clause (j) of sub-section (1), the words "or occupancy tenant" shall be omitted. in clause (n) of sub-section (1), for the words and figure "the Legal Practitioners Act, 1879 (XVIII of 1879)" , the words and figure "the (iii) (iv) (v) (vi) 24 2023 1961 (No. 25 of Advocates Act, 1961)" shall be substituted. clause (o) of sub-section (1) shall be omitted. in sub-clause (i) of clause (r) of sub- section (1), after the words 'proceedings', for the word "and", the word "or" shall be substituted. clause (s) of sub-section (1) shall be

omitted. after clause (z-6) of sub-section (1), the following clauses shall be inserted, namely:- "(z-7) "Free-hold Right" means the (z-8) Bhumiswami Right free from all encumbrances, excepts annual land revenue and other cesses; "Transfer" means the transfers defined under the Transfer of Property Act, 1882 (No. 4 of 1882)." 3, Sub-section (2) of Section 33 of the Principal Act shall be omitted. 334 (9) Amendment of Section 33. 334 (10) Amendment of Section 40. Amendment of Section 47, Amendment of Section 50. 4. 5. 6. 24 2023 For Section 40 of the Principal Act, the following Section shall be substituted, namely:- "40.

Effect of the rules in Schedule-I. The rules in Schedule-I shall have effects, and can be amended and annulled, as the rules made under the Code." For Section 47 of the Principal Act, the following Section shall be substituted, namely:- "47. Limitation of appeals.- An appeal against any order can be made within a period of 60 days from the date of the order: Provided that where a party, other than a party against whom the order has been passed ex-parte, had no previous notice of the date on —which the order is passed, limitation under this Section shall be computed from the date of the communication of such order."

In Section SO of the Principal Act,- for clause (ii) of the proviso of (ii) 24 2023 sub-section (1), the following clause shall be substituted, namely:- "(ii) An application for revision against any order can be made within a period of 60 days from the date of the order and in computing the period aforesaid, the time requisite for obtaining a copy of the said order shall be excluded." in sub-section (2), for the words "Settlement Commissioner" and "Settlement Officer", occur the words "Land Record" and wherever they occur the words "Commissioner, "District Survey 7. 8. substituted, shall be "Officer" respectively. In clause (iii) of the proviso of sub-section (1) of Section 51 of the Principal Act, for the word "ninety days", the word and figure "60 days" shall be substituted. For proviso of sub-section (2) and (3) of Section 52 of the Principal Act, the following proviso shall be substituted; respectively, namely:- 334 (11) Amendment of Section 51.

Amendment of Section 52. 334 (12) Amendment of Section 56. Omission of Sections 98, 101, 102 and 103. Amendment of Section 115. Amendment of Section 124. 9. 10. 11. 12. 24 2023 "Provided that the execution of the order may be stayed until the date of next hearing or one month, whichever is earlier." In

Section 56 of the Principal Act, the words "or any other enactment for the time being in force" shall be omitted. Sections 98, 101, 102 and 103 of the Principal Act shall be omitted. Proviso of sub-section (1) of Section 115 of the Principal Act shall be omitted. After sub-section (2) of Section 124 of the Principal Act,

the following sub-section shall be inserted, namely:- "(3) Such boundary marks shall, subject (4) to the provisions hereinafter contained, be of such specification and shall be constructed and maintained in such manner as may be prescribed. Every holder of land shall be responsible for the maintenance and repair of the permanent boundary marks and survey marks erected on his/her land." In Section 158 of the

Principal Act,- 13. 14. (i) (ii) in sub-section (4), for the words the words "lease of "a lease", agricultural purpose" shall be substituted. after sub-section (4), shall sub-section namely:- the following be added, "(5)

Person holding Free-hold Right in Government land allotted under non-agricultural purpose, shall be Bhumiswami in relation to that land." After Section 162 of the Principal Act, the following Section shall be added, namely:- "162-A. Disposal of Government Land.- The State Government may make rules for the allocation, of vacant 334 (13) Amendment of Section 158. Insertion of Section 162-A. Government Land, concessional terms, in Free-hold under by itself or by 334 (14) Amendment of Section 165, Amendment of Section 166. 24 2023 Authorised purpose." Officer for this 15. 16, In Section 165 of the Principal Act, (i) in clause (i) and (ii) of sub-section (6), (ii) after the word "loan", the words "or will (bequest)" shall be inserted. in sub-section (7 -b), after the words "a person", wherever they occur, the words "or his/or legal heir" shall be inserted. (iii) after sub-section (7 -b), the following proviso shall be inserted, namely:- "Provided that a permission mentioned in this sub-section shall not be needed to a Bhumiswami or holding legal heir his/her Bhumiswami Right Certificate under sub-section (4) or Free-hold Right under the sub-section (5) of Section 158, for the transfer of that land. After sub-section (3) of Section 166 of the Principal

Act, the following sub-section shall be added, namely:- "(4) If land is transferred in contravention of the Section 165, then it shall not 24 2023 be deemed to be lawful acquisition in favor of the transferee." Section 169 of the Principal Act shall be omitted. In Section 170 of the Principal Act,- 17. 18. 19. (i) (ii) in sub-section (1), after the protasis "any person", the protasis "who is legal heir of the Bhumiswami prior to the transfer, or" shall be inserted. in sub-section (2), after the protasis "of the Bhumiswami or", the protasis "his/her legal heir or" shall be inserted. (iii) after sub-section (2), following sub-section shall be added, namely:- "(3) Under the above sub-section (1) and (2), the Sub-Divisional Officer may pass appropriate order after instituting case for enquiry on own motion." In Section 172 of the Principal Act,- (i) in

Explanation of the fifth proviso of for the word sub-section (1), "section", the word "proviso" shall be substituted. 334 (15) Omission of Section 169. Amendment of Section 170. Amendment of Section 172. 334 (16) Omission of Section 174. Amendment of Section 182. Amendment of Section 246. Amendment of Section 248. 20. 21. 22. 23. 24 2023 (ii) in sub-section (5), for the words "one thousand", the words "ten thousand" shall be substituted. Section 174 of the Principal Act shall be omitted. After sub-section (2) of Section 182 of the Principal Act, the following sub-section shall be added, namely:- "(3) A Government lessee may acquire the Free-hold Right in Government land in allocated non-agricultural purpose, under the rules prescribed for it. " In Section 246 of the Principal Act, for the words and figures "before the coming into force of the Chhattisgarh Land Revenue code, 1959 (No. 20 of 1959)," the words and figures "before 1st November, 2000" shall be substituted. In Section 248 of the Principal Act,- (i) (ii) clause (ii) of first proviso of sub- section (2-A) shall be omitted. after sub-section (2-B), the following sub-section shall be added, namely:- "(3) Notwithstanding anything contained in the Code, the State 24 2023 Government or any officer, authorized by the State 24. Government, may do settlement of encroachments prior to the date by State Government time-to-time and the State Government may make rules in th1S relation." In Section 258 of the Principal Act,- (i) in sub-section (1), after the protasis "may make rules", the protasis "and may arnend or annul rules made" shall be inserted. (ii) sub-section (2) shall be omitted. 334 (17) Amendment of Section 258. - 2023. 360 1. 30 33 2. 3. 3 2025 7 2025) 2024. 1959 (m. 20 1959) (1) (q- ÉÄN---R) 2024 I 1959 (m. 20 1959) (€1 30 (2) 312Tfq: __ \$r 33 (4) 'TQfq. •— 4. 5. 6. 7. 3 2025 110 -Qh (1) -Q) fiF, tTQ.TT 165 "(7—7T) •-q--ETIRT (1) -O q.-*T Afr--q-r 172 (2) -€TT•-Q fr-q-r 178 — (5) 360 (1) 110 P.ÄTRT 165 172 360 (2) 3 2025 CHHATTISGARH ACT (No. 7 of 2025) THE CHHATTISGARH LAND REVENUE CODE (AMENDMENT) ACT, 2024. An Act further to amend the Chhattisgarh Land Revenue code, 1959 (No. 20 of 1959). Be it enacted by the Chhattisgarh Legislature in the Seventy- Five Year of the Republic of India, as follows:- Short title and commencement. Amendment of Section 30, 1. (1) This Act may be called the Chhattisgarh Land Revenue Code (Amendment) Act, 2024. (2) It shall come into force from the 2, date of its publication in the Official Gazette. After sub-section (2) of Section 30 of the Chhattisgarh Land Revenue code, 1959 (No. 20 of 1959) (hereinafter referred to as the Principal Act), the following sub-section shall be added, namely:- "(3) Under the provisions of this Code or any other enactment for the time being in force, the Officer/ Revenue Revenue Court may call for 3 2025 any document, case, file etc. in digital

form in such be manner as may determined/ notified by the State Government. " After sub-section (4) of Section 33 of the Principal Act, the following sub-section shall be added, namely:- "(5) All such digital platforms, 3. 4. which the Government State may 360 (3) Amendment of Section 33. Amendment of Section 110. prescribe, shall be valid for sending notice/ information under the provision of this Code." After sub-section (1) of Section 110 of the Principal Act, the following proviso shall be added, namely:- "Provided that in respect of any holding, if there is no adjudication pending in any court of law, the land record is up to date, the geo-referencing work of the village, related to that holding, has been completed, and registration of 360 (4) Amendment of Section 165, 5, 3 2025 such acquisition of right has been done, such holding may be automatically mutated in such manner as may be prescribed by the State Government. After sub-section (7 -b) of Section 165 of the Principal Act, the following sub-section shall be inserted, namely:- "(7 -c) Notwithstanding anything contained in sub-section (1), no land shall be transferred on receipt of proposal for any acquisition process from the requiring body or on issuance of any land notification for acquisition process or on issuance of any letter of intent for mining." 6. 3 2025 After sub-section (2) of Section 172 of the Principal Act, the following sub-section shall be inserted, namely: "(2 -a) Notwithstanding anything contained in sub-sections (1) and (2), no land shall be diverted on receipt of any proposal for acquisition process from the requiring body or on issuance of land any notification for acquisition process or on issuance of any letter of intent for mining." After sub-section (5) of Section 178-B of the Principal Act, the following sub-section shall be added, namely:- "(6) Notwithstanding anything contained in the above sub- sections, no land shall be partitioned in holding, on receipt of any proposal for acquisition process from the requiring body or on issuance of any notification for land acquisition process or on issuance of any letter of intent for mining. " 360 (5) Amendment of Section 172. Amendment of Section 178-B. 2025.

