

The M.P. Van Bhumi Shashwat Patta Prati Sanharan Adhiniyam, 1973

MADHYA PRADESH

India

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Act 33 of 1973

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The M.P. Van Bhumi Shashwat Patta Prati Sanharan Adhiniyam, 1973(M.P. Act No. 33 of 1973)[Dated 6th July, 1973]Received the assent of the President on the 6th July, 1973, assent first published in the "Madhya Pradesh Gazette" (Extraordinary) dated the 16th July, 1973 at pages 2329-2333.An Act to revoke all perpetual leases of forest land in Madhya Pradesh and for matters connected therewith.Be it enacted by the Madhya Pradesh Legislature in Twenty-fourth Year of the Republic of India as follows :-

1. Short title, extent and commencement.

(1)This Act may be called the Madhya Pradesh Van Bhumi Shashwat Patta Prati Sanharan Adhiniyam, 1973.(2)It extends to whole of the State of Madhya Pradesh.(3)It shall [come into force on such date] [W.e.f. 1-10-1973, vide Notification No. F. 18-4-73-I-3-X, dated 18-9-1973.] as the State Government, may, by notification, appoint.

2. Definitions.

- In this Act, unless the context otherwise requires,-(a)"appointed date" means the date appointed under sub-section (3) of Section 1;(b)"forest land" means Government land having growth which are under perpetual lease;(c)"Industrial lease" means a lease of forest land for supply of forest produce as raw material to an industry;(d)"lessee" means the holder of a perpetual lease;(e)"perpetual lease" means lease of forest land for a period of 30 years or more but does not include an industrial lease;(f)the words and expressions used but not defined in this Act, and defined in the Indian Forests Act, 1927 (No. 16 of 1927), shall have the meaning respectively assigned to them in that Act.

3. Revocation of perpetual lease of forest land.

(1) Save as otherwise provided in this Act, on and from the appointed date all perpetual leases of forest land which were heretofore granted by special grant of, or contract with, the State Government or under the provision of any law or rule for the time being in force or in pursuance of any other instrument shall, notwithstanding anything contained in any such grant, contract, law, rule or instrument, stand revoked and resumed by the State Government. (2) Upon the revocation of perpetual leases under sub-section (1), the following consequences shall ensue, namely, - (a) all rights, titles and interest vesting in the lessee or any person having interest through the lessee in the forest land including land cultivable or barren, grass land; trees, plants not being trees (including grass, creepers, reeds and moss) or forest produce shall cease and shall stand resumed by the State Government free from all encumbrances, and the charge on any such right shall be a charge on amount payable for the lease hold right to the lessee under the provisions of this Act; (b) the interest of the lessee so revoked and resumed shall not be liable to attachment or sale in execution of any decree or other process of any Court, civil or revenue and any attachment existing at the appointed date and any other attachment passed before the said date shall, subject to the provisions of Section 73 of the Transfer of Property Act, 1881 (No. 4 of 1882), cease to be in force.

4. Certain forest land to continue in possession of lessee.

- All such forest lands under perpetual lease as were cleared up and brought under cultivation by the lessee before the appointed date shall, subject to the ceiling limit fixed under the Madhya Pradesh Ceiling on Agricultural Holdings Act, 1960 (No. 20 of 1960), be settled with the lessee by the State Government on such terms and conditions as it may determine : Provided that nothing in this section shall apply where land has been cleared up and brought under cultivation in contravention of the terms and conditions of the perpetual lease.

5. Collector to take possession of forest land under perpetual lease.

- On the appointed date, the Collector shall take possession of all forest lands under perpetual lease other than those specified in Section 4.

6. Submission of statement by lessee.

(1) Every lessee whose perpetual lease stands revoked under sub-section (1) of Section 3 shall, within a period of two months from the appointed date, file a statement in respect of forest land held under perpetual lease by him before the Collector in the prescribed form and specify therein the following particulars, namely, - (i) name of the lessee; (ii) full particulars of the forest land held by the lessee under perpetual lease; (iii) full particulars of the pending litigations, if any respecting the forest land or part thereof; (iv) such other particulars as may be prescribed. (2) Every statement made by the lessee shall be accompanied by a certified copy of the lease deed and such other documents as may be prescribed. (3) Every such statement shall be signed and verified in accordance with Order VI, Rule 15 of the Code of Civil Procedure, 1908 (No. 5 of 1908).

7. Determination of amount payable to lessee for revocation of perpetual lease.

(1) On receipt of the statement under Section 6, or if no statement is received within the period specified in sub-section (I) of Section 6, the Collector shall, after making such enquiry as he thinks fit and giving an opportunity to the lessee to be heard, determine the amount payable to the lessee in accordance with the principles set out in the Schedule and record in a statement in the prescribed form the details of the perpetual lease revoked in lieu of payment of such amount. (2) A copy of the statement recorded by the Collector under sub-section (1) shall be supplied free of cost to each lessee.

8. Appeal, revision, review to be in accordance with Madhya Pradesh Act No. 20 of 1959.

- The provisions of Chapter V of the Madhya Pradesh Land Revenue Code, 1959 (No. 20 of 1959), relating to appeal, revision and review shall apply to an order passed by the Collector under Section 7 as they apply to order passed by a Collector under the said Code.

9. Injunction by Civil Court barred.

- Except an authority before whom an appeal or revision under Section 8 is pending against an order of the Collector, no Court or authority shall, notwithstanding anything contained in any law for the time being in force, issue any injunction against any person in respect of any proceedings before the Collector under Section 5 which shall have the effect of staying the proceedings.

10. Payment of amount in lieu of perpetual lease.

(1) The State Government shall pay to each lessee whose perpetual lease is revoked under Section 3, amount determined under Section 7 in accordance with the principles set out in the Schedule. (2) Subject to the provisions of this Act, and the rules made thereunder the amount payable under sub-section (1) shall be paid in cash and shall carry interest at the rate of two and a half per centum per annum from the said date to the date of payment: Provided that no interest shall be payable where the amount remains unpaid on account of a default on the part of the lessee and a notice of not less than thirty days has been given to him in the prescribed form and manner in that behalf. (3) The payment of an amount to the lessee in accordance with the provisions of this Act, and the rules made thereunder shall be full discharge of the State Government from all liability to pay any amount in lieu of revocation of perpetual lease of the forest land and no further claims for any payment whatsoever in respect of such forest land shall thereupon lie against the State Government.

11. Power to make rules.

(1) The State Government may make rules for carrying out all or any of the purposes of this Act. (2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for

all or any of the following matters, namely, -(a) the terms and conditions on which forest land under cultivation shall be settled under Section 4; (b) (i) form in which statement shall be filed under sub-section (1) of Section 6; (ii) other particulars under clause (iv) of sub-section (1) of Section 6; (iii) other documents under sub-section (2) of Section 6; (c) form in which statement shall be recorded by the Collector under sub-section (2) of Section 7; (d) the form and the manner in which notice shall be given under the proviso to sub-section (2) of Section 10; (e) any matter which has to be or may be prescribed. (3) All rules made under this Act, shall be laid on the table of the Madhya Pradesh Legislative Assembly.

12. Act not to apply to certain perpetual leases.

- Nothing contained in this Act, shall apply to a perpetual lease entire income whereof is appropriated for promotion of the interests of the general public or for the promotion of the educational or economic interests of the weaker sections of the people and in particular of the Scheduled Castes and the Scheduled Tribes.

Schedule

[See Sections 7 (1) and 10 (1)] Where the forest land-

does not exceeds 100 acres.	Rupees 50 per acre or part thereof.
exceeds 100 acres but does not exceed 200 acres	Rupees Five Thousand plus Rupees 45 per acre or part thereof in excess of 100 acres.
exceeds 200 acres but does not exceed 300	Rupees Nine Thousand five hundred plus Rupees 40 per acre or part thereof in excess of 200 acres.
acres exceeds 300 acres but does not exceed 400 acres	Rupees Thirteen Thousand five hundred plus Rupees 35 per acre or part thereof in excess of 300 acres.
exceeds 400 acres but does not exceed 500 acres	Rupees Seventeen Thousand plus Rupees 30 per acre or part thereof in excess of 400 acres.
exceeds 500 acres but does not exceed 600 acres	Rupees Twenty Thousand plus Rupees 25 per acre or part thereof in excess of 500 acres.
exceeds 600 acres but does not exceed 700 acres	Rupees Twenty two Thousand five hundred plus Rupees 20 per acre or part thereof in excess of 600 acres.
exceeds 700 acres but does not exceed 800 acres	Rupees Twenty four Thousand five hundred plus Rupees 15 per acre or part thereof in excess of 700 acres.
exceeds 800 acres.	Rupees Twenty six Thousand plus Rupees 10 per acre or part thereof in excess of 800 acres.