

# **The Rajasthan Land Revenue (Allotment of Land for Digging of Wells and Installing of Pumping Sets for Irrigation Purposes) Rules, 1979**

RAJASTHAN

India

## **The Rajasthan Land Revenue (Allotment of Land for Digging of Wells and Installing of Pumping Sets for Irrigation Purposes) Rules, 1979**

### **Rule**

### **THE-RAJASTHAN-LAND-REVENUE-ALLOTMENT-OF-LAND-FOR-DIGGING OF 1979**

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The Rajasthan Land Revenue (Allotment of Land for Digging of Wells and Installing of Pumping Sets for Irrigation Purposes) Rules, 1979Published vide G.S.R. 42, Dated 26-10-1979; published in Rajasthan Gazette Extraordinary Part 4(Ga)(1), Dated 26-10-79, p. 1Last Updated 22nd May, 2019In exercise of the powers conferred by clause (xviii) of sub-section (2) of section 261 of the Rajasthan Land Revenue Act, 1956 (Rajasthan Act XV of 1956) read with section 101 thereof and all other powers enabling it in this behalf, the State Government hereby makes the following rules, namely-

#### **1. Short title and commencement.**

(1)These rides may be called the Rajasthan Land Revenue (Allotment of land for Digging of Wells and Installing of Pumping sets for Irrigation Purposes) Rules, 1979.(2)They shall come into force at once.

#### **2. [ Definitions. [Substituted by G.S.R. 109, Dated 7-1-1983; published in Rajasthan Gazette Extraordinary Part IV-C (II), Dated 15-1-83, p. 386.]**

- In these rules, unless there is anything to the contrary in the subject of context-(a)"Act" means the Rajasthan Land Revenue Act. 1956.(b)"Collector" means the Collector of the District in which the land is situated.(c)"Form" means a form appended to these rules.(d)"Government" means the

The Rajasthan Land Revenue (Allotment of Land for Digging of Wells and Installing of Pumping Sets for Irrigation Purposes) Rules, 1979 Government of Rajasthan.(e)Words and expressions used, but not defined in these rules, shall have the same meaning as is assigned to them in the Rajasthan Tenancy Act, 1955 (Act III of 1955) or in the Rajasthan Land Revenue Act, 1956 (Act, XV of 1956)].

### **3. Scope of the Rules.**

- These rules shall govern the allotment of unoccupied Government lands for digging of wells and installing of pumping sets for irrigation purposes in, areas other than these declared as a colony under clause (d) of section of the Rajasthan Colonisation Act, 1954 (Rajasthan Act 27 of 1954) and other than land falling in the areas mentioned in the proviso to section 15 and in section 1-A of the Rajasthan Tenancy Act, 1955 (Act 3 of 1955) or any notification issued thereunder.

### **4. Land not available for allotment under these rules.**

- The following categories of lands shall not be available for allotment under these rules, namely-(i)Lands mentioned in section 16 of the Rajasthan Tenancy Act, 1955:(ii)Lands demarcated as landing grounds for aircrafts:(iii)Land reserved for village forests constituted under section 28 of the Rajasthan Forests Act, 1953 (Rajasthan Act 13 of 1953):(iv)Small Baras or lands reserved for thrashing grounds adjoining, or close to the Abadi of a village:(v)Lands within-(a)a radius of three miles of municipal limits of cities having a population of five lacs or more:(b)a radius of two miles of municipal limits of towns with a population of two lacs or more but below two lacs:(c)a radius of one miles of municipal limits of towns with a population of one lac or more but below two lacs:(d)municipal limits of any other town:(e)one hundred yards of railway fencing: or(f)fifty yards from the centre of national highway or any other metalled or gravelled road:(vi)Lands declared as saline areas under the Rajasthan Land Revenue (Saline Areas Allotment) Rules, 1970; or(vii)Lands reserved for allotment under any special Rules for the allotment of land.

### **5. Declaration of land for digging of wells and installing of Pumping Sets.**

- The Collector may, from time to time, declare any land specifying its location, Khasra No. area and other particulars to be land reserved for digging of wells or for installation of Pumping Sets and upon such a declaration it shall be reserved and be available for allotment under these rules:[Provided that land to be reserved for digging of wells shall ordinarily be Government land recorded as Gair mumkin, nadi (unculturable river) to having such under ground water:Provided further that the lands to be reserved for the purpose of pumping set shall be such lands as are situated near river beds.] [Inserted by G.S.R. 109, Dated 7-1-1983; published in Rajasthan Gazette Extraordinary Part IV-C (II), Dated 15-1-83, p. 386.]

### **6. Nature and Extent of land to be allotted.**

(1)Under these rules the maximum areas to be allotted shall be 5 Biswas.(2)The allottee shall have agricultural land situated in the vicinity of land reserved under rule 5.(3)Allotment under these rules may be made to an individual or to several individuals collectively.

## **7. Conditions of allotment.**

- All allotment of land under these rules shall be subject to the following conditions-(i)the land shall be given on Lease:(ii)the Lease money to be charged shall be Rs. 22/- per year:(iii)the lease shall be for a period of ten years, or for so long as the lessee uses the well or the pumping set for purpose of irrigation, whichever is less, renewable at the end of ten years for further similar periods.

[Government may terminate the lease earlier than the period of lease when considered necessary, after giving an opportunity of being heard to the lessee] [Substituted by G.S.R. 109, Dated 7-1-1983; published in Rajasthan Gazette Extraordinary Part IV-C (II), Dated 15-1-83, p. 386.]:(iv)the lessee shall have no right to sell, lease or sublet any portion of the land to any person or body of persons without the previous sanction of the Government:(v)the land shall be used only for the purpose for which it has been let out and for such allied purposes as are required for the lifting of water and its supply to the field to be irrigated:(vi)no permanent structure or buildings, except well and pump house shall be erected on the land without the previous sanction of the Government:(vii)the allottee shall have to dig the well or install a pumping set as the case may be within two years of the allotment:(viii)on failure to fulfill any of the terms and conditions of lease, the lease shall be liable to cancellation and the land shall be taken back by the Government and in the event of such resumption, the lessee shall not be entitled to any compensation for any structure etc. that he may have put up.

## **8. [ Lease Deed. [Substituted by G.S.R. 109, Dated 7-1-1983; published in Rajasthan Gazette Extraordinary Part IV-C (II), Dated 15-1-83, p. 386.]**

- The Lessee shall execute a lease deed in Form 'A' within a fortnight of the sanction of the allotment].

## **9. Issue of proclamation inviting application for allotment.**

- The Collector shall issue a proclamation inviting applications for allotment of land for digging wells and installing pumping sets Such proclamation shall give necessary details of the land available for allotment and shall be published in such local Newspapers or otherwise as the Collector may decide.

## **10. Application for allotment of land.**

(1)Application for allotment of land under these rules shall be made, in Form "B" to the Collector.(2)All applications for allotment shall be verified as a plaint under the Code of Civil Procedure, 1908 (Central Act 8 of 1908).(3)An application for allotment may be presented in person to the Collector or may be sent by registered post. The Collector shall get the particulars given in each application verified with the entries existing in the annual registers/or in Tehsil records and may make such enquiries, as he deems fit with regard to the [application of eligibility] [Substituted by G.S.R. 109, Dated 7-1-1983; published in Rajasthan Gazette Extraordinary Part IV-C (II), Dated 15-1-83, p. 386.] and other concerned matters.

## **11. Enquiry and Disposal of application.**

(1)The Collector may either reject the application after giving an opportunity of being heard to the application or sanction the allotment.(2)If the allotment is sanctioned, an order on Form 'C' [x x x] [Deleted by G.S.R. 109, Dated 7-1-1983; published in Rajasthan Gazette Extraordinary Part IV-C (II), Dated 15-1-83, p. 386.] shall be issued and the Tehsildar shall be directed to arrange to realise the lease money and enforce fulfillment of the terms and conditions contained in the rules.(3)Every application for allotment under these rules shall [ordinarily] [Inserted by G.S.R. 109, Dated 7-1-1983; published in Rajasthan Gazette Extraordinary Part IV-C (II), Dated 15-1-83, p. 386.] be disposed of within three months from the date of receipt.

## **12. Order of priorities for allotment.**

(1)If there is only one applicant for a particular land, it shall be allotted to him.(2)If there are more than one applicant for the same land, the allotment shall be made keeping the following factors in view-(a)Proximity of the agricultural land of the applicant to the land of which allotment is sought.(b)Priority will be given to applicants for collective allotment over individual applicants.

### **12A. [ Regularisation. [Inserted by G.S.R. 34, Dated 29-6-1981; published in Rajasthan Gazette Extraordinary Part IV-C(I), Dated 2-7-81, p. 79.]**

- If any person constructs a well or installs a pumping set on unoccupied Government land or pasture land and proceedings against him have been initiated by the Tehsildar under section 91 of the Act, the Collector or any other officer authorised in this behalf by the State Government, on an application or report of the Tehsildar. after making necessary enquiry, arrives at the finding that the well has been constructed of the pumping set has been installed for genuine irrigation or drinking water purposes and it does not adversely affect the interests of any person having land in the vicinity, the Collector or such authorised officer may allot the land to such person after recovering from him the market price of the land prevailing at the time of receipt of the application or report of the Tehsildar. Upon the issue of such an order, the allottee shall be deemed to be a Gair-Khatedar tenant of the land with the right of ultimate conferment of Khatedari rights after the expiry of a [period of 3 years] [lease money charged for such land annually at the rate of Rs. 24/- per annum from the date of occupation] [Substituted by G.S.R. 109, Dated 7-1-1983; published in Rajasthan Gazette Extraordinary Part IV-C (II), Dated 15-1-83, p. 386.]Provided that the land is not used for any other purpose and the terms.of tenancy are not infringed during the said period of ten years:Provided further that the total area of land to be so regularised and allotted shall not exceed [5] [Substituted by G.S.R. 109, Dated 7-1-1983; published in Rajasthan Gazette Extraordinary Part IV-C (II), Dated 15-1-83, p. 386.] biswas per well or pumping set.][Substituted by the expression "Lease money charged for such land annually at the rate of Rs. 24/- per annum from the date of occupation.]

### **13. Cancelling order of declaration of land for digging of wells and installing of pumping Sets.**

- The Collector may, on being satisfied that the land declared to be reserved for allotment for digging of wells and installing Pumping Sets under rule (5) is not fit for allotment under these rules or has later on become unfit for such use, cancel the order of declaration made under that rule. Form 'A' (See Rule 8) Lease Deed This Lease made on the.....day of.....between the Governor of the State of Rajasthan (hereinafter called 'the Lessor' which expression shall unless excluded by subject or context, include his successors in office and permitted assigns) of the one part A and Shri.....Son of Shri.....resident of.....Tehsil..... District.....(hereinafter called "the Lessee", with expression and assigns) of the other part. Whereas the lessee has applied to the Lessor for allotment of land for digging a well/installation of a pumping set in the land described in the schedule hereto: And Whereas the Lessor has agreed to grant the lessee of the said land to the Lessee for 10 years on the terms and conditions hereinafter appearing; Now This Deed Witnesses As Follows -

**1. In pursuance of the aforesaid agreement and in consideration of a sum of Rs..... (Rupees .....only) as lease money paid before the execution of this deed (the receipt of which sum the Lessor hereby acknowledges) and of the covenants hereinafter continued the Lessor hereby demises to the Lessee, the land detailed and described in the schedule hereto and thereon shown with its boundaries coloured in red (hereinafter referred to as the demised land) to hold the same upto the Lessee from the day of for a period of 10 years.**

**2. The parties hereto hereby mutually agree [as] [Substituted by G.S.R. 109, Dated 7-1-1983; published in Rajasthan Gazette Extraordinary Part IV-C (II), Dated 15-1-83, p. 386.] follows-**

(i) [ That the Lessee will during the continuance of this lease, pay all rates, taxes and charges of every description now payable or hereinafter to become payable in respect of the demised land or the buildings erected thereupon by the lessee. [Substituted by G.S.R. 109, Dated 7-1-1983; published in Rajasthan Gazette Extraordinary Part IV-C (II), Dated 15-1-83, p. 386.](ii) The terms and conditions of the lease may be revised by the State Government after every 10 years. (iii) The lease shall be subject to the provisions contained in the Rajasthan Land Revenue (Allotment of land for digging of wells and installing of pumping sets for irrigation purposes) Rules. 1979. (iv) That the lessee will not, without the previous consent in writing of the lessor use or permit these of demised land for any purpose other than that for which it is leased out. (v) That in any time dispute, doubt or question shall arise between the parties hereto touching the interpretation, meaning or effect of this deed or any clause thereof or their respective rights and liabilities hereunder, the same shall be referred to the arbitration of the Revenue Secretary to the Government of Rajasthan, Jaipur whose decision thereon shall be final and binding on the parties.] In witness the parties hereto have signed this deed

The Rajasthan Land Revenue (Allotment of Land for Digging of Wells and Installing of Pumping Sets for Irrigation Purposes) Rules, 1979  
on the day and year first above written.

Signed by the Lessee

Signed by.....for and on b

Witness(1).....(2).....

Witness(1).....

## and Plan

Form 'B'(See Rule 9)Application For Allotment of LandTo,The Collector,District.....I hereby apply under rule 9 of the Rajasthan Land Revenue (Allotment of Land for digging of wells and installation of pumping sets for irrigation purposes) Rules, 1979 for allotment of digging of a well/installation of a pumping set.(2)The required particulars are given below-(i)Name of the applicant with parentage and address.....(ii)Particulars of land(a)Name of the Village/Town with name of the Tehsil.(b)Khewat Number, if any(c)Khasra Number.(d)Classification of land,(e)Area.(f)Annual Land Revenue,(g)Use to which the land was put during the last three years.(iii)Actual area for which allotment is sought.

**3. That the applicant is a Khatedar tenant of land situated in the vicinity of the land now applied for and particulars of which are as under-**

**4. I hereby certify that the informations given above are correct according to my knowledge and belief and I hereby bind myself to pay the necessary. Premium and abide by the conditions on which the land is allowed to be used for digging of well and installing of pumping set for irrigation purpose.**

Witness.....Date.....Signature of applicantRegister of Applications For Allotment of Land For Digging of Wells and Installing of Pumping Sets For Irrigation Purposes

Tehsil..... District

S.No. Name of the applicant with parentage, resudebce,occupation and age

Date & Time of received of application

1 2

3

Particulars of the land of whichallotmenthad been done

FinalRemarks Orders

Khasra No.	Khewat No.	Area	SoilClassification	Revenue or rent	
4	5	6	7	8	9 10

Form 'C'(See Rule 10)Form of OrderOrderSubject. - (Allotment of Land of Digging of Wells and Installing of Pumping Sets for Irrigation Purposes) Rules, 1979.I,.....Collector district hereby

accord sanction to the allotment of the land particulars whereof are given below to Shri.....Son of.....resident of.....for the digging of well/installing of pumping set for irrigation purposes on the terms and conditions mentioned below-(1)Particulars of land-(i)Name of village, with name of Tehsil.(ii)Khasra No. (iii) Soil class (iv) Area(2)Lease money shall be payable.....(3)Period years with effect, from.....(date)(4)The allottee shall deposit lease money for one year in advance in Tehsil.....within three days of this order and in future lease money as mentioned above shall paid every year on.....(date).(5)If lease money for any year is not paid on the date mentioned it shall be realised as an arrear or rent and this allotment order may be cancelled and thereafter proceedings under Section 91 of the Rajasthan Land Revenue Act. 1956 (Rajasthan Act 15 of 1956) may be started.(6)The allottee shall be deemed to have understood the provisions of the rules and to have agreed to abide by the terms and conditions of this order.Collector of District.Sd/-Collector of.....DistrictCopy to Shri.....Son of.....[Allottee].Copy to Tehsildar.....for necessary action. He should realise the lease money as above and see that the terms and conditions are enforced.Date.....Place.....Sd/-Collector.....NotificationsNotification No. F 6(86) Revenue/Gr. IV/82-73, dated December 24, 1982, Published in Rajasthan Government Gazette, Part IV-C, Page 160, dated 6-1-1983. S.O. 163. - In exercise of the powers conferred by clause (b) of sub-section (1) of Section 260 of the Rajasthan Land Revenue Act, 1956 (Rajasthan Act 15 of 1956) the State Government hereby directs that the duties imposed and powers conferred on the Collectors by Rules 9, 10, 11 and 12A of the Rajasthan Land Revenue (Allotment of land for digging of wells and installing of pumping sets for Irrigation purposes) Rules, 1979 shall be performed and exercised by all Sub-Divisional Officers within their respective territorial Jurisdictions.