

The Maharashtra Agricultural Lands (Lowering of Ceiling on Holdings) Distribution of Surplus Land and (Amendment) Rules, 1975

MAHARASHTRA

India

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Rule

THE-MAHARASHTRA-AGRICULTURAL-LANDS-LOWERING-OF-CEILING-OF 1975

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The Maharashtra Agricultural Lands (Lowering of Ceiling on Holdings) Distribution of Surplus Land and (Amendment) Rules, 1975 Published vide Notification No. G. N., R. F. D., No. ICH. 1172/247858 L-8, dated 22 December, 1975 (M. G., Part 4B, dated 8.11.1976) In exercise of the powers conferred by sub-section (1) of section 46 read with sub-section (5) of section 2-A, sub-sections (1) and (4) of section 27 and clauses (c) and (e) of sub-section (2) of section 46 of the Maharashtra Agricultural Lands (Ceiling on Holdings) Act, 1961 (Maharashtra XXVII of 1961), and of all other powers enabling it in that behalf, the Government of Maharashtra hereby makes the following rules, the same having been previously published as required by subsection (1) of section 46 of the said Act, namely

1. Short title.

- These rules may be called The Maharashtra Agricultural Lands (Lowering of Ceiling on Holdings) (Distribution of Surplus Land) [and the Maharashtra Agricultural Lands (Ceiling on Holdings) (Amendment)] [Substituted for the words 'and (Amendment)', by Notification No. ICH. 1176/14373-L-8, dated 29th January, 1977.] Rules, 1975

2. Definitions.

- In these rules, unless the context otherwise requires, -(a)"Act" means the Maharashtra Agricultural Lands (Ceiling on Holdings) Act, 1961;(b)"Collector" includes the Tribunal where such Tribunal is constituted, and also the officer authorised by the State Government under sub-section (1) of section 27;(c)"Form" means a form appended to these rules;(d)"Section" means a section of the Act;(e)"Surplus land" means surplus land referred to in section 27 of the Act;(f)"Tahsildar" includes any Additional Tahsildar;(g)"Tribunal" means the Land Distribution Tribunal constituted under subsection (1) of section 2-A;(h)words and expressions used, but not defined [in these rules] [Inserted by Notification No. ICH. 1176/14373-L-8, dated 29th January, 1977.] shall have the meanings respectively assigned to them in the Act.

3. Procedure of sittings of Tribunal.

(1)The Chairman of the Land Distribution Tribunal shall preside over all the meetings of the Tribunal.(2)The Chairman shall fix the time, date and place of the meeting and issue public notice in respect of such meetings as provided in these rules.(3)The quorum for every meeting of the Tribunal [x x x] [The words 'as far as possible', were deleted by Notification No. ICH. 1176/14373-L-8, dated 29th January, 1977.] be two including the Chairman. If within half an hour of the time fixed for the meeting there is no quorum, the Chairman alone shall proceed further with the meeting and record his decision in the proceedings as a decision of the Tribunal.

4. Reservation of land declared surplus for purposes of sub-section (4) of section 27.

(1)Where any surplus land in a village or a group of villages becomes available as surplus land, the Collector shall ascertain,-(a)for the purposes of sub-section (2) of section 27, whether the land holder from whose holding the land is declared surplus had resumed any land for personal cultivation under the relevant tenancy law at any time before the 2nd October, 1975 and on that account, whether the land is likely to be distributed to persons referred to in sub-section (2) of section 27, or(b)whether any surplus land formed part of one or more compact blocks within the meaning of sub-section (3) of section 27, and on that account is required to be distributed to landlords and other persons referred to in subsection (3) of section 27.(2)The Collector shall then exclude the land, if any, referred to in clauses (a) and (b) of sub-rule (1), and out of the remaining surplus land, by order in writing, at the time of preparation of the programme referred in rule 6, may reserve half of the land for distribution under sub-section 27.

5. Priorities for distribution of land under sub-section (4) of section 27.

- While distributing the land reserved under sub-section (4) of section 27 to the persons mentioned in that sub-section, a person who is a resident of the village and failing such a persons, any person residing within eight kilometers of the outer limits of the village in which the surplus land for distribution is situated, shall be preferred.

6. Preparation of distribution of programme for selection of allottees for grant of surplus land under section 27.

(1) As soon as any surplus land (not being grazing land, tank land or land notified by Government under sub-section (1) of section 27 or lands to be disposed of under section 28, or (81-AA) in any village or group of villages becomes available for distribution, or any land provisionally omitted under sub-rule (3) of rule 7 from the programme for distribution), becomes so available the Collector shall draw a detailed programme fixing the date on which and the place at which applications will be received for the grant of land, the date (not being later than 15 days from the date of the issue of the public notice) on which and the place and time at which the applications so received will be considered; details of land available for distribution and the extent thereof reserved under rule 4. Such programme shall be given wide publicity by issue of a public notice in Form I (in the case of land reserved under rule 4) and in Form II (in the case of land other than the reserved land) and by beat of drum in the village in which the land is situate and also in the village within a radius of eight kilometers of the outer limits of such village, calling upon, in the case of lands reserved under rule 4, the persons mentioned in sub-section (4) of section 27, and in the case of other lands, the persons mentioned in sub-sections (2), (3) and (5) of section 27 to submit to him, within 7 days from the date of the publication of the public notice or such longer period as the Collector may permit (regard being had to the circumstances of each case regarding adequacy of notice) applications giving details specified in sub-rule (4) of this rule, for grant of any land including in the respective lists. Such application may also contain any other particulars as the applicant may deem fit to give. (2) A copy of the programme shall also be displayed in the village Chavdi, in the office of the village Panchayat, if any, or if the village has no Panchayat at any other prominent place in the village and in the office of the Tahsildar. (3) Intimation of the programme shall, as far as possible be given to the persons whose names appear in the list of landless persons prepared, if any in respect of the village or villages concerned, to persons, if any, who have already applied for the grant of any of the land and to the Secretary, District Sailors', Soldiers and Airmens Board, if there be any. (4) Every application for grant of land shall be made to the Collector or, as the case may be, to the Chairman of the Tribunal and shall contain the following among other particulars, namely (a) name of the applicant; (b) place of residence i.e. villages, taluka and district; (c) details of land area applied for from the list of surplus lands notified for distribution in the public notice issued under sub-rule (1) of this rule; (d) if the land applied for is not available for being granted, details and area of other alternate land from the list of surplus lands notified for distribution in the aforesaid public notice which the applicant is willing to accept; (e) (i) whether the applicant is a serving member of the armed forces or an ex-servicemen or dependent of such person who died before any land was granted under any law or by any executive orders; and his gross annual income, duly certified; or (ii) whether applicant is a person belonging to a Scheduled Caste, Scheduled Tribe, Nomadic Tribe, Vimukta Jati Backward Class, and if so, the details thereof; or (iii) whether the applicant is a member of a co-operative farming society, and if so, the name of such society and the area of land falling to his share in the society; or (iv) whether the applicant is or was employed as agricultural labourer or as technical or other staff engaged on or in relation to the agricultural produce raised or grown on the surplus land in a compact block notified for distribution in the aforesaid public notice, or (v) whether the applicant had previously leased his land to any undertaking referred to in section 28 or to a person holding land in one or more compact blocks and

if so, the annual gross income of such applicant from all sources;(f)details of land, if any, already in the actual possession of the applicant as owner or tenant or as both, giving the name of the village in which such land is situated, survey number, area, classification of land and assessment thereof;(g)if the applicant was holding any land as tenant from a landlord, and such landlord has resumed the said land for personal cultivation under the relevant tenancy law and such resumption rendered the applicant landless, the name of the landlord, the number and date of the order passed by the Tahsildar, Collector or, as the case may be, the Maharashtra Revenue Tribunal with a copy of each such order.

7. Preparation of statement of applicants for grant of surplus land under section 27.

(1)As soon as may be after the expiry of the period of 7 days referred to in sub-rule (1) of rule 6, but before the date fixed for consideration of the applications in the programme, the Collector shall scrutinise the applications received in pursuance of the public notice referred to in the said sub-rule and having regard to the provisions of sub-section (7) of section 27, draw up to separate provisional statements in Form III, one in case of land reserved under rule 4, and the other in case of land other than the land so reserved, including therein each land and the names of applicants therefor, (arranged in the manner provided in rule 5 of section 27 as the case may be), who are eligible for grant of land.(2)On the date fixed for consideration of the applications the provisional statement prepared under sub-rule (1) shall be read out by the Collector in the presence of the applicants and other persons present, if any. The Collector shall also invite applications from persons present for grant of surplus land in respect of which no applications were received previously.The Collector shall then -(a)consider the objections or suggestions, if any, made in relation to the matters provided in the provisional statement and the new applications, if any, received for grant of land;(b)ascertain the requirements of persons under sub-rule (3) and amend or modify, if necessary; any entry in the provisional statement;(c)select the allottees in the manner provided in rules 8 and 9;(d)ensure that as far as possible the entire land in respect of which an application has been made is allotted to the applicant so long as such allotment does not violate the provisions of sub-section (7) of section 27 and draw up a final statement in Form III. The final statement so drawn up shall then be read out to the applicants and other persons, if any, present. The Collector may also fix and announce the date on which and the time and place at which possession of the surplus land will be taken from the holder in the manner provided in rule 9 of the Maharashtra Agricultural Lands (Lowering of Ceiling on Holdings) (Declaration and Taking Possession of Surplus Lands and Amendment) Rules, 1975 and handed over to the selected allottees). Such date shall not as far as possible be later than seven days from the date of issue of public notice under rule 9 of the said rules.The Collector shall then authorise under the said rule 9, an officer not below the rank of Circle Inspector or Revenue Inspector to take possession of the land and forward to the said officer -(a)a copy of final statement;(b)the order of authorisation issued under the said rule 9, if such an order was not previously issued; and(c)an intimation regarding time, date and place fixed for taking possession of the land.(3)If on or before the date fixed for taking over possession of surplus land it comes to the notice of the authorised officer that any land included in the final statement received by him under sub-rule (2) has not been finally declared surplus land, or an appeal has been filed against the declaration of any land as surplus land and the appellate authority or any other

competent authority has issued a stay against the distribution proceedings in respect of the said land, he shall not hand over possession of such land to the allottee or allottees concerned, but shall take a note in the final statement regarding the stay in respect of distribution of the land and inform the allottee or allottees concerned accordingly. He shall also make a report to the Collector giving particulars of surplus land which could not be disposed of for the aforesaid reason and the names of the allottee or allottees of such land from the final statement. Thereupon the Collector shall consider the claim of the allottee whose name or names is or are so omitted from the final statement for the grant of any other surplus land available for distribution and in respect of which the preparation of final statement in accordance with sub-rules (1) and (2) of this rule is in progress.

8. Selection of person for grant of surplus land.

(1) Subject to the provisions of section 27, selection of persons for grant of land shall be made by the Collector in the following manner :- (i) If there is only one applicant who has applied for any particular land, the land shall be granted to him; (ii) If there are more than one applicants in respect of the same land, the land shall be granted to the person having the highest order of priority; (iii) If there are more than one applicants having the same order of priority, in respect of the same, the land shall be granted after drawing lots in the manner provided in rule 9; (iv) The land for which no application has been received shall be offered to persons who are present and who are eligible for the grant which shall, subject to the provisions of sub-section (7) of section 27 and clause (iii) of this sub-rule be made to a person having the highest order of priority and who is willing to accept the land. (2) Where the land to be granted is used for the purpose of horticulture prior to its being declared surplus, the Collector shall get an undertaking in Form VI from the grantee. (3) If the person to whom the land is to be granted refuses to give an undertaking in Form VI or refuses to agree to pay the occupancy price under sub-section (10) of section 27, the land shall, subject to the provisions of section 27, be offered to any other person who has previously applied for the grant of land and who is willing to give the undertaking and agree to pay the occupancy price: Provided that, if more than one person accepts the offer, the land shall subject to the provisions of clause (iii) of sub-rule (1), be granted to the person having the highest order of priority.

9. Manner of choosing by lot allottee for grant of surplus land.

(1) Where the Collector has to select a person for grant of land by lot, he shall, in the presence of applicants concerned, and all other persons interested who are present at the proceedings for grant of land under rule 7, - (a) prepare as many identical slips of paper as there are applicants for the land; (b) write the name of each applicant on a separate slip on one side and fold all such slips in identical manner so as to completely enclose the name written thereon; (c) place all the slips in an empty box of a suitable size, and thoroughly mix them by shaking the box; (d) ask one of the applicants or any other person who may be present to draw from the box with hand but without looking at the box, one of the folded slips in the box. (2) The applicant whose name appears on the slip so drawn shall be eligible for grant of the land in question.

10. Arrangement regarding harvesting of crop, if any, standing in the land at time of distribution.

- If on the date fixed for grant of land under sub-rule (2) of rule 7, there is any standing crop in the land and such crop is likely to be harvested in a period not exceeding three months, the Collector may arrive at an arrangement with the holder of the land, or as the case may be, member of the family unit, for the disposal of harvesting of the crop after the vesting and grant of the land, as provided for in clause (f) of section 23, and arrangement so arrived at shall be binding on the holder and the person to whom the land is granted under rule 7.

11. Agreement to be executed by the grantee.

- The Collector shall get an undertaking in Form V executed by the grantee.

12. Provision for transfer of land under section 29.

- Under section 29, the Collector may sanction transfer of land in any of the following circumstances, that is to say, -(a)if the land is required by an industrial undertaking in connection with any bona fide industrial operations carried on or to be carried on by such undertaking;(b)if the land is required for bona fide non-agricultural purpose;(c)if the land is required for the benefit of any educational or charitable institution;(d)if the land is required by a co-operative society;(e)if the land is being exchanged -(i)for land of equal or nearly equal value owned and cultivated personally by member of the holders' family, or(ii)for land of equal or nearly equal value in the same village owned and cultivated personally by a land owned with a view to forming compact block of his holding or better management thereof:Provided that, the total land held and cultivated personally by any of such holders whether as owner or tenant or partly as owner and partly as tenant does not exceed the ceiling area as result of the exchange;(f)if the land is being leased by a lessor who is a person under disability;(g)if the land is being partitioned among the heirs or survivors of the deceased grantee of the land, and no party after the shares are defined on partition, gets land which is a fragment:Provided that no sanction shall be accorded to any transfer of land falling under clauses (a), (b), (c) or (d) unless the transferor agrees to the condition to pay to the State Government a Nazarana equal to 40 times the assessment of land.

13. Amendment of Ceiling Rules of 1962.

- In the Maharashtra Agricultural Lands (Ceiling on Holdings) Rules, 1962, rules 10, 11, 12, 12-A and 13 shall be deleted except as respects things done or omitted to be done thereunder. Form I[See rule 6(1)]Public notice under rule 6(1) of Maharashtra Agricultural Lands (Lowering of Ceiling on Holdings) (Distribution of Surplus Land) [and the Maharashtra Agricultural Lands (Ceiling on Holdings) (Amendment)] [Substituted for the words 'and (Amendment)' by Notification No. ICH. 1176/14373-L-8, dated 29th January, 1977.] Rules, 1975(Omitted)Form II[See rule 6(1)]Public notice under 6(1) of Maharashtra Agricultural Lands (Lowering of Ceiling on Holdings) (Distribution of Surplus Land) [and the Maharashtra Agricultural Lands (Ceiling on Holdings)

The Maharashtra Agricultural Lands (Lowering of Ceiling on Holdings) Distribution of Surplus Land and (Amendment) Rules, 1975 (Amendment)] [Substituted for the words 'and (Amendment)' by Notification No. ICH. 1176/14373-L-8, dated 29th January, 1977.] Rules, 1975(Omitted)Form III[See rule 7(1) and (2)](Omitted)Form IV[See rule 8(2)]Form of undertaking to be given by a grantee under sub-rule (2) of rule 8(Omitted)Form V(See rule 11)Form undertaking to be executed by the grantee(Omitted)