

The Maharashtra Agricultural Lands (Ceiling on Holdings) (Compensation for use and Occupation of Surplus Lands) Rules, 1976

MAHARASHTRA

India

The Maharashtra Agricultural Lands (Ceiling on Holdings) (Compensation for use and Occupation of Surplus Lands) Rules, 1976

Rule

THE-MAHARASHTRA-AGRICULTURAL-LANDS-CEILING-ON-HOLDINGS-RULES-1976

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The Maharashtra Agricultural Lands (Ceiling on Holdings) (Compensation for use and Occupation of Surplus Lands) Rules, 1976 Published vide Notification No. G. N., R. F. D., No. ICH.

1175/68757-L-S, dated 29th March, 1976 (M.G.G., Part 4B, pp. 482-84) In exercise of the powers conferred by sub-section (1) of section 46 read with section 21-A 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 sub-section (1) of the said section 46, namely:-

1. Short title.

- These rules may be called the Maharashtra Agricultural Lands (Ceiling on Holdings) (Compensation for Use and Occupation of Surplus Lands) Rules, 1976.

2. Definitions.

- In these rules, unless the context requires otherwise,-(a)'Act' means the Maharashtra Agricultural Lands (Ceiling on Holdings) Act, 1961;(b)'section' means a section of the Act;(c)'surplus land' means surplus land referred to in section 21 of the Act;(d)words and expression used, but not defined in

these rules, shall have the meanings respectively assigned to them in the Act.

3. Damages for use and occupation of surplus land under section 21-A.

(1) The amount of compensation to be paid by a person, or as the case may be, a family unit or a holder to the State Government for the use and occupation of the surplus land under section 21-A shall be fixed by the Collector in the following manner, namely :-(a) The Collector shall give a notice in the Form appended to these rules to the person or head of the family unit referred to in sub-section (1) of section 21-A from whose holding the land is declared surplus under section 21, calling him to file a statement within fifteen days from the date of receipt of the notice, indicating therein the gross income derived and the expenditure incurred by him on cultivation of the said land during the period from the year following the year in which the excess area so held is declared surplus till the date on which possession of surplus land is taken under section 21 (hereinafter referred to as the 'said period').(b) The notice in the Form appended to these rules shall also be given by the Collector to the holder referred to in sub-section (2) of section 21-A calling upon him to file a statement within fifteen days from the date of receipt of the notice indicating therein the gross income derived and the expenditure incurred by him on cultivation of the land declared surplus from his holding under section 21 as unamended by the Amending Act, 1972, during the period from the date of declaration or the commencement date, whichever, is later, till the date on which possession of the said surplus land is actually taken under that section (hereinafter referred to as the 'said period').(2) After receipt of the statement under sub-rule (1) or if such statement is not filed by the person referred to within the period specified in the said sub-rule, then, the Collector suo motu, shall after giving the aforesaid person a reasonable opportunity of being heard and after holding such enquiry as he deems fit, determine, regard being had to the statement, if any, filed by such person -(a) the total gross income derived by the person during the said period taking into account the following factors, namely :-(i) the crops, raised on the land during the said period;(ii) the average market price of the said crops during the said period;(b) the total expenditure which the said person had to incur on cultivation of the said land during the said period, taking into consideration the following factors, namely :-(i) the average cost of cultivation of the said crops during the said period;(ii) the expenditure that may have to be incurred in selling the said crops; and(iii) the land revenue, the irrigation cess or other impost which was required to be paid by the person during the said period.(3) The difference between the total gross income and the total expenditure shall then be fixed as the amount of compensation to be paid by the person or the family unit, or as the case may be, the holder, for the use and occupation of the surplus land.

Form[See rule 3(a) and (b)] Notice to be issued to the person or head of the family unit or holder for filing a statement of income and expenditure

Notice Whereas the land specified in the Schedule appended hereto from the holding of Shri/Shrimati and his/her family unit has been declared to be surplus land under the Statement No.....dated.....issued by the Chairman, Notification No. dated Surplus Land Determination Tribunal.....issued by the Collector of.....under section 21 of the Maharashtra Agricultural Lands (Ceiling on Holdings) Act, 1961; And Whereas the possession of the said land has been taken over by the Collector of/Authorised Officer on And Whereas, in accordance with the provisions of section 21-A of the aforesaid Act the said person/holder is required to pay to the State Government the amount of

compensation for use and occupation of land as may be fixed by me; Now, Therefore, I call upon you/the holder to file on or beforethe day of 19, a statement regarding the gross expenditure incurred by you in respect of land during the period from to if no statement is filed on or before the aforesaid date it will be presumed that you do not intend to file such a statement and the amount will be determined in accordance with the provisions of rule 8 of the Maharashtra Agricultural Lands (Ceiling on Holdings) (Compensation for Use and Occupation of Surplus Land) Rules, 1976.

Schedule

Detail of Land declared surplus

Sr. No. District Taluka Village Survey No. and Hissa No.

1 2 3 4 5

Area Assessment Name of the holder

6 7 8

H. A. Rs. P. Rs. P.

Seal of the Collector Collector of

Date : To Shri/Shrimati.....