

Bihar Privileged Persons Homestead Tenancy Rules, 1948

BIHAR

India

Bihar Privileged Persons Homestead Tenancy Rules, 1948

Rule

BIHAR-PRIVILEGED-PERSONS-HOMESTEAD-TENANCY-RULES-1948 of 1948

- Published on 23 February 1948
- Commenced on 23 February 1948
- [This is the version of this document from 23 February 1948.]
- [Note: The original publication document is not available and this content could not be verified.]

Bihar Privileged Persons Homestead Tenancy Rules, 1948Published vide Notification No. 1642 -IIT-11/48-R, dated 23.02.1948Last Updated 17th February, 2020No. 1642 - IIT - 11/48-R, the 23rd February, 1948. - In exercise of the powers conferred by Section 20 of the Bihar Privileged Persons Homestead Tenancy Act, 1947 (Bihar Act IV of 1948), the Governor of Bihar is pleased to make the following Rules -

1.

These Rules may be called the Bihar Privileged Persons Homestead Tenancy Rules, 1948.

2.

In these Rules, unless there is anything repugnant in the subject or context -(a)'Act' means the Bihar Privileged Persons Homestead Tenancy Act, 1947 (Bihar Act IV of 1948);(b)'Section' means a Section of the Act; and(c)'Form' means a form appended to these Rules.

3.

(a)An application to be made by a privileged tenant under sub-section (1) of Section 5 for the restoration of his possession over the homestead shall be in Form A.(b)An application to be made either by a landlord or by a privileged tenant under sub-section (1) of Section 6 for determination of a fair and equitable rent for the holding shall be in Form B.(c)An application to be made by a landlord under the first proviso to subsection (1) of Section 8, for ejectment of the privileged tenant

shall be in Form C.(d)An application to be made by a mortgagor under sub-section (1) of Section 13 for ejectment of the mortgagee shall be in Form D.(e)An application to be made under sub-section (1) of Section 15 for ejecting a transferee shall be in Form E.

4.

On receipt of any of the application mentioned in Rule 3, the Collector shall start proceedings under the relevant Section to which the applications relate and deal with them in the manner provided for land revenue cases.

5.

(1)The Collector shall either himself make local enquiry or have such inquiry made by any responsible officer not below the rank of a Circle Inspector or Welfare Inspector and satisfy himself as to the correctness or otherwise of the contents of such applications.(2)The enquiring officer shall issue a notice in Form F to all the interested parties intimating the date on which the inquiry shall be made and directing parties to produce all the evidence in their possession in support of or against the application.(3)The enquiring officer shall make a record of the evidence produced before him and, if he is not the Collector, submit his report to the Collector.(4)The Collector shall after hearing the parties on all points arising out of the application pass such order as to him seems to be just and proper.(5)The Collector shall prepare a record of homestead held by privileged tenant in Form G. The main record shall be maintained in the office of the Collector and a copy of the record bearing the signature and seal of the Collector shall be made over to the landlord and the privileged tenant.

6. [Issue of general notice to the landlords. [Rules 6 to 13 inserted by G.S.R. 22, dated 25.2.1971.]

- As soon as may be after the commencement of the Bihar Privileged Persons Homestead Tenancy (Amendment) Act, 1970 (Bihar Act IX of 1970). The Collector shall publish a notice in Form "H" calling upon all the landlords of the privileged tenants whose lands are likely to be acquired by the State Government to submit a return in Form "I" within sixty days from the date of issue of the notice or within such period as may be allowed by the Collector, for payment of compensation.

7. Verification of application.

- The Collector on receiving the original return under Rule 6 shall get it verified with reference to up-to-date rent receipts and other relevant revenue records including the record of rights maintained by the Collector, or other sources as may be considered necessary to ascertain the title and interest of the land owner concerned.

8. Determination of compensation payable to the land owners.

- The amount of compensation payable to the land owner shall be ten times of the rent payable to the landlord by the privileged tenant in respect of the homestead. In case where there is no valid contract between the landlord and his privileged tenant as to the rent payable for the homestead or where the rent contracted is unfair or inequitable, the Collector shall settle fair and equitable rent of the homestead under sub-section (3) of Section 17-A.

9. Publication of draft compensation roll.

- After verification of the application of the landlord under Rule 7 and determination of the amount of compensation under Rule 8, the Collector shall publish the draft of the compensation roll by affixing a copy thereof together with a public notice in Form "K". The draft compensation roll shall be published for a period of 15 days and the Collector shall also invite objection within 15 days after the expiry of the period of the publication. After the expiry of the period of filing objections, the Collector shall hear the parties on the objection and after hearing the parties he may either reject the objection, modify any entry or entries in the draft compensation roll.

10. Payment of compensation.

- After all objections relating to a landlord filed on publication of the draft compensation roll under Rule 9 have been disposed of, the Collector shall make payment of the total amount of compensation to the landlord in one instalment and the amount of compensation shall be in cash and it shall be rounded up to the nearest five paise. No interest should be payable on the amount of compensation.

11. Payment of rent by the privileged tenant.

- The privileged tenants who become direct tenants of the State, shall pay rent of homestead to the Government and rent receipts shall be issued for their holding in the same manner as the rent receipts are being issued to the other tenants.

12. Proportionate reduction in the total rent demand payable by the landlord.

- The rent payable by the landlord to the State Government shall be proportionately reduced taking into account the area of the homestead deemed to have been acquired by the State Government.

13. Maintenance of Register.

(1)The Collector shall maintain a register in Form "J".]Form AApplication Under Section 5 (1) ofThe Bihar Privileged Persons Homestead Tenancy Act, 1947

To,

The
Collector.....

1. Name and address of the applicant/
privilegedtenant -

Resident of
Thana
Sub-division
District

2. Name and address of landlord by whom
ejected-

Resident of
Thana
Sub-division
District

3. Details of the homestead or part thereof
fromwhich ejected including area and place
where situated.

4. Date since when the applicant has beenholding
the above homestead.

5. Date when the applicant was ejected from
theabove homestead.

6. Relief prayed for

Signature of
applicant

Form BApplication Under Section 6(1) of the Bihar Privileged Persons Homestead Tenancy Act,
1947

To,

The Collector of.....

1. Name and address of the applicant -

Resident of
Thana
Sub-division
District

2. Whether the applicant is a landlord or
aprivileged tenant

{|

3. If| landlordprivileged| tenant name andaddress
of the| landlordprivileged

tenant concerned-||-|| Resident of|||-|| Thana|||-|| Sub-division|||-|| District|

....||-|| 4. Details of the holding for which fair andequitable rent has to be determined including area and placesituated.|-|| 5. The amount or rate of rent existing.|-|| 6. Relief prayed for|||-|| Signature of applicant.}|Form CApplication Under the First Proviso To Section 8(1) of the Bihar Privileged Persons Homestead Tenancy Act, 1947.

To,

The Collector of.....

1. Name and address of the landlord -

Resident of..

....

Thana

....

Sub-division

....

District

....

2. Name and address of privileged tenant -

Resident of..

....

Thana

....

Sub-division

....

District

....

3. Details (including area and situation) of theholding to be ejected from.

4. Ground on which application for ejectment ismade, whether under clause (a) or (b) or both of Section 8(1).

5. If under (a) state the use made of theholding and how rendered unfit for the purposes of tenancy.....

6. If under (b), state when rent paid last.

7. Relief prayed for

....

Signature of
applicant.

Form DApplication under Section 13(1) of the Bihar Privileged Persons Homestead Tenancy Act, 1947

To

The Collector of

1. Name and address of the mortgagor -

Resident of

....

Thana

....

Sub-division

....

District

....

2. Name and address of the mortgagee -

Resident of

....

Thana

....

Sub-division

....

District
 3. Name and address of the landlord
 Resident of
 Thana
 Sub-division
 District
 4. Details of the holding mortgaged -
 5. Number and date of registration of mortgage under the Indian
 Registration Act
 6. State how mortgagee legally liable to pay rent of mortgaged property -
 7. State interest for which rent not paid by the mortgagee -
 8. State when mortgagor deposited arrears of rent with costs with the
 Collector (number and date of challan to be given in each case -
 9. Relief prayed for
 Signature of
 applicant

Form E Application under Section 15(1) of the Bihar Privileged Persons Homestead Tenancy Act,
 1947

To,

The Collector of.....

1. Name and address of the applicant -

Resident of
 Village
 Thana
 Sub-division
 District

2. Name and address of the privileged tenant making an improper
 transfer, if he is not the applicant

3. Name and address of the transferee.

4. State whether whole or part of the holding improperly transferred....

5. Nature of transfer, how it contravenes provision of Section 9 (State as
 far as known)
 Signature of
 applicant.

Form F Notice under Sub-Rule (2) of Rule 5 of the Bihar Privileged Persons Homestead Tenancy
 Rules, 1948 To, Whereas the undersigned will hold enquiry on the spot on
 the day of 200..... regarding an application filed by under [*]
 [Here state the provisions of the Act.] of the Bihar Privileged Persons Homestead
 Tenancy Act, 1948 you are hereby directed to appear on the above date before the

undersigned with all the evidence in your possession in support of, or against the applicant.

Date Enquiring Officer

Note. - The serving peon shall unite his service report and, if possible obtain signature or thumb impression of a witness of the village where the notice is served. Form G Record of Homestead under sub-rule (5) of the Rule 5 of the Bihar Privileged Persons Homestead Tenancy Rules, 1948. Name of the village..... Thana No. Anchal..... Thana..... P.O.

..... Name of the owner of the land (with full particulars).

Name of tenant (with parentage, full address and shares).	Khata no.	Khesra no.	Area.	Boundary.	Nature of land.	Fair rent fixed by the Collector.	Status (Kaiyami or Shikmi dakhalkar).	Case no	Remarks.
							 Under Section..... of the Bihar Privileged Persons Homestead Tenancy Act.	
1	2	3	4	5	6	7	8	9	10
			N					Collector.	
			S						
			E						
			W]						

Note. - The serving peon shall unite his service report and, if Here state the purpose for which application is made.[Form-H] [Form H to K inserted by G.S.R. 22, dated 25.2.1971.] General Notice Form of the General Notice to be published under Section 17A calling upon the landlord whose lands are deemed to be acquired by the State. For publication at village P.S. Thana..... Thana No. Notice is hereby given to all land holders that the portion of their lands which is in occupation by the privileged tenant has been acquired by the State Government on payment of compensation at the prescribed rate under Section 17A of the Bihar Privileged Persons Homestead Tenancy Act, 1947 and the same may be treated as settled with the privileged tenant for homestead purposes. Now all the landholders are informed that they should file an application in Form "I" to the Collector within sixty days from the issue of the notice for payment of compensation. Date.....

Office Seal Signature of the Collector under the Act.

Form I Form of Application to be filed by the Land Holders For Payment of Compensation To, The Collector (Under the Act) Sir, Whereas after the commencement of the Bihar Privileged Persons Homestead Tenancy (Amendment) Act, 1970 my..... Khatas..... Dhurs

Dismal..... of land has been acquired by the State Government. Now, therefore, I

(Name)..... Land-holder/guardian of the landholder

(Name)..... who is a minor, a resident of village P.S.....

district..... hereby submit to you, the following information for payment of compensation and apportionment of rent of my holding -(1) Name and address of the privileged tenants whose rights have been recorded under the B.P.P.H.T. Act. (2) Total area of the entire land -(3) Area of the land recorded in the favour of tenant -(4) Total rent payable to Government -(5) Amount of rent, payable by privileged tenant.... (6) Share of each of the land owners, if there be more than one owner, in the

land. Signature of the land-holder/guardian of the minor land-holder with Date full address. Date Form J Form of Register to be maintained by the Collector under the Act

1. Serial no.....

2. Name of the land-holder with full address,

3. Name of the privileged tenant and his full address.

4. Location and description of homestead land in respect of which compensation has been paid -

(1) Name of village -(2) Khata no. -(3) Plot no. -(4) Area -

5.

(1) Rent to be paid by the land holder after acquisition of homestead tenancy by Government., (2) Rent payable by the privileged tenant -

6. Amount of compensation paid -

7. Remarks -

Form K Public Notice To whomsoever it may concern Whereas the amount of compensation payable in respect of landlord's interest mentioned in the draft compensation roll attached herewith has been determined. And whereas the amount of compensation specified in the said draft compensation roll is the entire amount of compensation payable in respect of the interest of landlord of the land on which the privileged tenants are situated. Therefore, it is notified for general information that objection, if any, in respect of any entry in the draft compensation roll may be filed by the landlord or any person in my court on or before..... Given in my hand and seal of the Court this day, the..... 200..... Collector under the Act.