

The Punjab Thur and Sem Lands (Reclamation) Rules, 1967

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Rule

THE-PUNJAB-THUR-AND-SEM-LANDS-RECLAMATION-RULES-1967 of 1967

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The Punjab Thur and Sem Lands (Reclamation) Rules, 1967Published vide Punjab Government Notification No. G.S.R.1/224/P.A. 25/53/Section 21/67 dated the 3rd January, 1967

1. Short title.

- These rules may be called the Punjab Thur and Sem Lands (Reclamation) Rules, 1967.

2. Definitions.

- In these rules, unless the context otherwise requires -(a)"the Act" means Punjab Thur and Sem Lands (Reclamation) Act, 1963.

3. Mode of publication of notification [Section 4 read with section (21)(2)(a)].

- The notification under Section 4 of the Act shall be published in the official gazette and a copy thereof shall be pasted outside the office of Land Reclamation Officer. A copy of the said notification shall also be delivered to the Gram Panchayat of the area.

4. Procedure for disposal of objections (Section 4).

- The Land Reclamation Officer shall give to the person making the objection a notice for a period not less than fifteen days stating therein the place, date and time for hearing objections. The Land Reclamation Officer shall proceed to take action ex parte in the event of the failure of the objector to

attend on the date specified.

5. Mode of issue of notice (Section 4).

(1) Every summons, notice, order, requisition, proclamation which under the Act or these rules is required to be served on or issued, delivered or communicated to any person or published for general information, shall be served, issued, delivered, communicated or published (as the case may be) as hereinafter provided. (2) Every such summons, notice, order, requisition or proclamation shall be drawn up in writing and dated and signed by the officer having authority to issue or make the same. (3) Every public notice or proclamation shall be issued or made by posting certified copies thereof - (a) at the office of the officer giving or making the same in such manner that such notice that be accessible to the public; (b) at convenient places in the locality or near the residence of the persons affected thereby and by beat of drum or oral proclamation or other customary method. (4) Every summons, notice, order or requisition which is required to be served on or delivered to or communicated to any person shall, whenever possible, be so served, delivered or communicated :- (a) personally on or to the person to whom it is addressed; or failing him; (b) on or to his recognised agent; or failing such agent, (c) on an adult male member of his family usually residing with him. (5) If service, delivery or communication cannot be so effected or if acceptance of service, delivery or communication is refused, the summons, notice, order or requisition may be served, delivered or communicated by posting a copy thereof at the usual or last known place of residence of the person to whom it is addressed, or if that cannot be done, then in such other manner as the officer authorised to issue or make the same may specially direct. (6) If the summons, notice, order or requisition relate to a case in which persons having the same interest are so numerous that personal service on each one of them is not reasonably practicable, it may be served, delivered or communicated by delivery of a copy thereof to such of those persons as the officer authorised to issue or making the same specially nominates in this behalf, and by proclamation of the contents thereof for the information of the other persons interested. (7) A summons, notice, order or requisition may be served on or delivered or communicated to the person named thereinafter in addition to, or in substitution for, any other mode of service by forwarding the summons, notice, order or requisition by post in a registered letter addressed to that person. (8) When a summons, notice, order or requisition is so forwarded in a letter, and it is proved that the letter was properly addressed and duly posted and registered, the officer authorised to issue or make the same may presume that the summons was served at the time when the letter would be delivered in the ordinary course of post. (9) In every case in which service of any process is not effected personally, the officer authorised to issue the same shall satisfy himself, by examining the process server or otherwise, that such service has been duly effected in the manner required by these rules.

6. Publication of the Reclamation Scheme (Section 6(2)).

- The reclamation scheme shall be published by affixing copy of the scheme outside the office of the Land Reclamation Officer and by forwarding to the Gram Panchayat the sketch plan containing the name of the village concerned and other relevant information including the land proposed to be reclaimed. The names and headquarters of the officials from whom further details can be obtained shall also be indicated.

7. Procedure to inform the owner of land (Section 7).

- Every owner of the land in the reclaimable area shall be informed about the reclamation scheme in the manner prescribed under rule 5.

8. Restoration of land [Section 10 read with Section 21(2)(d)(4)].

- The Land Reclamation Officer shall indicate to the Collector, the land which is due for restoration to the owner indicating the relevant particulars (District, Tehsil, locality, area and Khasra Nos.). The Collector shall cause a notice in Form 'A' to be served on such person requiring him to take possession of his land within a period of fifteen days from the date of the service of notice on him.(2)If no objection is filed within the specified period, it will be presumed that the reclamation has been done to the satisfaction of the owner and no objection about the quality of operations or acreage of the area reclaimed will be entertained afterwards. In token of taking back possession the owner will sign the Disposal Form in Form 'B'.(3)Service of notice shall be effected in the procedure laid down in these rules.

9. Procedure for depositing the amount. [Section 11 read with section 21(2)(e)].

(1)The cost of the reclamation payable shall be paid at the office of the tehsil in which the land is situated except in the following cases -(a)Where the tehsil treasury at the district head-quarters has been incorporated with the district treasury, the payment shall be made into the district treasury, the statement of the manner in which the sum is to be appropriated being first checked and attested by the Tehsildar.(b)Where a special arrangement has been made with the sanction of the Deputy Commissioner authorising any person under engagement to pay cost of reclamation to pay direct into the district treasury. In this case the payment shall be made as provided in clause (a).(2)The notice of demand for cost of reclamation under section 11(4) of the Act shall be in Form 'C' and shall be served under the procedure laid down in rule 5.(3)If the amount is not paid in the manner and within the period specified in the notice, steps shall be taken by the Director to recover the cost of reclamation under Section 12 of the Act.

10. Procedure to recover charges from landowners (Section 13).

- The occupier of the land shall be entitled to recover from the owner of the land only such charges as were incurred on the improvement of land after obtaining the approval of the Land Reclamation Officer in writing provided that such charges shall in no case exceed Rs. 200 per acre.

11. Enhancement of rent (Section 14).

- The enhancement of the rent by the owner of the land reclaimed shall be to be extent that the enhanced rent does not exceed the rent prevalent in the estate or locality for similar lands; provided that the cost of reclamation is to be borne by the owner of the land.Form 'A'[See rule 8(a)]Notice to

take Possession of Reclaimed Land.ToShri/Smt-----Please take notice that your land measuring ----- acres ----- bighas ----- as per details below has been reclaimed in village ----- tehsil ----- district ----- and you are hereby directed to take its possession within a period of 15 days from the service of this notice. If no objection is received within the specified period, it will be presumed that the reclamation has been done to your entire satisfaction and no objection about the quality of operations or acreage of area reclaimed will be entertained afterwards. In case of your failure to take back possession of the reclaimed land within the aforesaid period, the Collector shall have the power to lease out the same for purposes of cultivation and recovery of reclamation charges to any person for a period not exceeding ten years to be determined by the Collector.

Serial No. Khasra No. Acres Area Bighas Biswas.

Signature on behalf of the Collector.Form 'B'[See rule 8(2)]Disposal Form.I/We-----, son/daughter; wife of -----, of village-----, Post Office-----, tehsil-----, district----- herewith take back possession of my/our reclaimed area from-----on ----- as per details given below or overleaf situated in village----- tehsil-----, district-----I/We further promise to bring this area under crops regularly and pay reclamation charges as apportioned by the Director or any officer authorised by him.The land has been properly reclaimed to my/our satisfaction. Khasra No. -----Acres----- Bighas----- Biswas.

Witness (Full address) Signature of the landowner taking possession of the abovereclaimed area.

Witness (Full address) Signature of the officer giving possession of the abovereclaimed area.

Form 'C'[See rule 9(2)]Notice of demand for payment of cost of

Reclamation.From-----To-----Please take notice that your land comprised in khasra No. ----- the possession of which was taken by the Director ----- in pursuance of the Irrigation Department Notification No. ----- dated the ----- has since been reclaimed and a sum of Rs. ----- has been apportioned by the Director ----- as cost of reclamation payable by you. The Director ----- has further determined that the aforesaid sum may be deposited within a period of ----- in ----- instalments, each instalment to be deposited within a period of ----- from the date on which it becomes due. In case of your failure to deposit the lump sum or any instalment within the aforesaid period, action will be taken under section 12 of the Punjab Thur and Sem Lands (Reclamation) Rules, 1963, to recover the same-Signature of the Collector or on his behalf