

# **Haryana Dohlidar, Butimar, Bhondedar anti Muqararidar (Vesting of Proprietary Rights) Act, 2010**

HARYANA

India

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### **Act 1 of 2011**

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Haryana Dohlidar, Butimar, Bhondedar anti Muqararidar (Vesting of Proprietary Rights) Act, 2010(Haryana Act No. 1 of 2011)Last Updated 12th December, 2019[Dated 04.03.2011]An Act to vest proprietary rights in Dohlidar, Butimar, Bhondedar and Muqararidar and provide for payment of compensation to the landowner whose proprietary right is extinguished and for other consequential and incidental matters.Be it enacted by the Legislature of the State of Haryana in the Sixty-first Year of the Republic of India as follows :-

### **1. Short title, extent, commencement and application.**

(1)This Act may be called Haryana Dohlidar, Butimar, Bhondedar and Muqararidar (Vesting of Proprietary Rights) Act, 2010.(2)It extends to the whole of the State of Haryana.(3)It shall come into force on such date as the State Government may by notification in the Official Gazette appoint.(4)This Act shall be applicable to Dohlidar, Butimar, Bhondedar, Muqararidar or any other similar class or category of persons which the State Government may notify in the Official Gazette.

### **2. Definitions.**

- In this Act, unless the context otherwise requires,-(a)"appointed day" means in relation to Dohlidar, Butimar, Bhondedar or Muqararidar, recorded as such in revenue record for more than twenty years, the day on which this Act comes into force and in other cases where twenty years have not yet been completed and such person is recorded as Dohlidar, Butimar, Bhondedar or Muqararidar on or before the date of commencement of this Act, the day on which the person fulfils the condition of twenty years;(b)"Collector" means the Collector of the district in which the land, in respect of which such rights are vested in a Dohlidar, Butimar, Bhondedar or Muqararidar under this Act, is situated and includes any officer not below the rank of an Assistant Collector of the First

Grade specially empowered by the State Government to perform the duties of a Collector under this Act;(c)"Commissioner" means the Commissioner appointed under the Punjab Land Revenue Act, 1887 (Punjab Act 17 of 1887);(d)"Dohlidar, Butimar, Bhondedar or Muqararidar" means a person who has been recorded as such in the revenue record and includes his predecessor and successor in interest;(e)"Financial Commissioner" means the Financial Commissioner appointed under the Punjab Land Revenue Act, 1887 (Punjab Act 17 of 1887);(f)"land" means land which is occupied by a Dohlidar, Butimar, Bhondedar or Muqararidar and given to him by landlord in lieu of services rendered and includes the sites of buildings and other structures on such land;(g)"landowner" means a person under whom a Dohlidar, Butimar, Bhondedar or Muqararidar holds land and includes his predecessors and successors;(h)"State Government" means the Government of the State of Haryana the Administrative Department.

### **3. Vesting of proprietary rights in Dholidar, Butimar, Bhondedar or Muqararidar.**

- Notwithstanding anything to the contrary contained in any other law, custom, usage or deed for the time being in force, on and from the appointed day-(a)all rights, title and interest including the contingent interest, if any, recognized by any law, custom, usage or deed for the time being in force with respect to the land and vested in the landowner shall be extinguished, and such rights, title and interest shall vest in the Dohlidar, Butimar, Bhondedar or Muqararidar or any other similar class or category of persons, which the State Government has notified in the official Gazette, under whose occupation the land is, free from all encumbrances, if any, created by the landowner;(b)the landowner shall cease to have any right to collect or receive any rent or service in respect of such land.

### **4. Procedure for payment of compensation.**

(1)Any landowner whose rights have been extinguished under section 3 may, within twelve months from the appointed day, apply to the Collector, in such form, as may be prescribed, for the compensation payable to the landowner by the Dohlidar, Butimar, Bhondedar or Muqararidar:Provided that the Collector may entertain the application after the expiry of the said period of twelve months if he is satisfied that the applicant was prevented by sufficient cause from filing the application in time.(2)On receipt of an application under Sub-section (1), the Collector shall issue notice to the parties concerned and after giving the parties an opportunity of being heard and after making such enquiry, as may be prescribed, shall make an award for compensation payable at the rate of Five hundred rupees per acre by the Dohlidar, Butimar, Bhondedar or Muqararidar to the landowner.(3)Where there is any dispute as to the person or persons who are entitled to the compensation, the Collector shall decide such dispute and if the collector finds that more than one person is entitled to compensation, he shall apportion the amount thereof amongst such persons.(4)Where the compensation is payable to a minor or to a person having a limited interest the Collector may make such arrangements as may be equitable having regard to the interest of the minor or the person concerned.(5)The Dohlidar, Butimar, Bhondedar or Muqararidar shall be liable to pay the compensation in lump sum.(6)If the Dohlidar, Butimar, Bhondedar or Muqararidar fails to deposit the compensation within two months of the receipt of the award announced by the

collector, the land shall vest in the landowner.(7)If the land is subject to a mortgage at the time of payment of :compensation, the land shall pass to the Dohlidar, Butimar, Bhondedar or Muqararidar unencumbered by the mortgage or charge but the mortgage debt shall be a charge on the compensation payable.(8)If there is no such charge as aforesaid, the Collector, shall subject to any directions which he may receive from any court, pay the compensation to the landowner.(9)If there is such a charge, the Collector shall, subject as aforesaid, apply in the discharge of the mortgage debt so much of the compensation as is required for the purpose and pay the balance, if any, to the landowner, or retain the compensation pending the decision of civil court as to the person or persons entitled thereto.

## **5. Appeal.**

- An appeal shall lie from an original or appellate order made under this Act as follows, namely:-(a)any order made by the Collector to the Commissioner; and(b)any order of the Commissioner to the Financial Commissioner:Provided that when an original order is confirmed on first appeal, a further appeal shall not lie.

## **6. Limitation.**

- The period of limitation for an appeal under the last foregoing section shall run from the date of the order appealed against and shall be as follows, namely:-(a)when the appeal lies to the Commissioner sixty days; and(b)when the appeal lies to the Financial Commissioner ninety days.

## **7. Review.**

(1)The Collector, Commissioner or Financial Commissioner may either on his own motion or on the application made within ninety days by the party interested, review and on such review. modify, reverse or confirm any order passed by himself or by any of his predecessors in office:(a)when a Commissioner or Collector thinks it necessary to review any order which he has not himself passed, he shall first obtain the sanction of the officer under whose control he is immediately subject to;(b)an application for review of an order shall not be entertained unless it is made within ninety days from the passing of the order, or unless the applicant satisfies the concerned officer that he had sufficient cause for not making the application within that period;(c)an order shall not be modified or reversed unless reasonable notice has been given to the parties affected thereby to appear and be heard in support of the order;(d)an order against which an appeal has been preferred shall not be reviewed,(2)An appeal shall not lie from an order refusing to review, or conforming on review, a previous order.

## **8. Power to call for, examine revise and proceedings.**

(1)The Financial Commissioner may at any time call for the record of any case pending before ,or disposed of by any officer subordinate to him.(2)A Commissioner may call for the record of any case pending before, or disposed of by the Collector under his control.(3)If in any case in which a

Commissioner has called for a record and he is of opinion that the proceedings taken or the order made should be modified or reversed, he shall submit the record with his opinion on the case for the orders of the Financial Commissioner. (4) If, after examining the record called for by him under Sub-section (1) or submitted to him under Sub-section (3), the Financial Commissioner is of opinion that it is inexpedient to interfere with the proceedings or the order, he shall pass an order accordingly. (5) If, after examining the record, the Financial Commissioner is of opinion that it is expedient to interfere with the proceedings or the order on any ground on which the High Court in the exercise of its revisional jurisdiction may under the law for the time being in force interfere with the proceedings or an order or decree of a civil court, he shall fix a day for hearing the case, and may, on that or any subsequent day to which he may adjourn the hearing or which he may appoint in this behalf, pass such order as he thinks fit in the case. (6) Except when the Financial Commissioner fixes, under Sub-section (5), a day for hearing the case, no party has any right to be heard before the Financial Commissioner while exercising his powers under this section.

## **9. Certain Mortgages and Charges Not Enforceable.**

- Notwithstanding anything contained in any contract or in any law for the time being in force, no claim or liability whether under any decree or order of a civil court or otherwise, enforceable against a landowner for any money which is charged on, or is secured by a mortgage of, any land held by a Dohlidar, Butimar, Bhondedar or Muqararidar, shall be enforceable against the said land.

## **10. Bar of jurisdiction.**

- Save as otherwise expressly provided in this Act, every order made by the Collector, Commissioner or Financial Commissioner shall be final and no proceeding or order taken or made under this Act, shall be called in question by any court or before any officer or authority.

## **11. Bar to legal proceedings.**

- No prosecution, suit or other legal proceeding shall lie against the State Government or any officer or authority for anything which is in good faith done or intended to be done in pursuance of this Act or of any rules made thereunder.

## **12. Power to remove difficulties.**

- If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order published in the Official Gazette, make such provisions or give such directions, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty.

### **13. Power to make rules.**

(1)The State Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.(2)In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:-(a)the form and manner in which an application for compensation may be made by the landowner;(b)the form of notice and the manner in which notices may be served under this Act;(c)the manner in which inquiries may be held under this Act;(d)the manner in which appeals and applications for review and revision may be filed; .(e)any other matter which has to be or may be prescribed under this Act.