

# **The Goa, Daman and Diu Land Revenue (Partition of Holdings) Rules, 1969**

GOA

India

## **The Goa, Daman and Diu Land Revenue (Partition of Holdings) Rules, 1969**

### **Rule**

### **THE-GOA-DAMAN-AND-DIU-LAND-REVENUE-PARTITION-OF-HOLDINGS-RULES-1969**

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The Goa, Daman and Diu Land Revenue (Partition of Holdings) Rules, 1969 Published vide Notification No. RD/LRC/245/69-71/15, dated 16th February, 1971 RD/LRC/245/69-71/XV. - In exercise of the powers conferred by sub-section (2) of Section 199 of the Land Revenue Code, 1968 (9 of 1969) and all other powers enabling him in that behalf the Lieutenant Governor of Goa, Daman and Diu is hereby pleased to make the following rules:

#### **1. Short title and commencement.**

(1) These rules may be called "The Goa, Daman and Diu Land Revenue (Partition of Holdings) Rules, 1969". (2) They shall come into force at once.

#### **2. Application for partition.**

(1) An application by a co-holder for partition of his share in a holding under sub-section (1) of Section 61 shall contain the following particulars:-(a) the area of each field constituting the holding and its survey number and [(Sub-Division)] [Substituted for the words 'Hissa number' by Sixth Amendment Rules, 1977 published in Official Gazette Series - I No. 21 dated 25-8-1977.] recorded in the record of rights; (b) the tenure of the holding, that is whether held as occupant Class I, Class II or Government lessee; (c) the land revenue of the holdings; (d) the names and addresses of the co-holders and the extent of their shares. (2) The application shall be accompanied by a copy of entries in the record of rights.

### **3. Issue of notice and proclamation.**

(1) On receipt of the application, the Collector shall hear the applicant in person on any day of which due notice shall be given to the applicant or on any day to which hearing may be adjourned; and if after hearing the applicant, it appears to him that the case does not fall under rule 10, he shall cause to be served in accordance with the provisions of Section 173, a notice in Form A appended to these rules on all the other co-holders requiring them to appear before him and state their objections, if any, on a day to be specified in the notice which shall not be less than thirty or more than sixty days from the date of the issue of the notice on each such co-holder. (2) The Collector shall also cause a proclamation in form 'B' appended to these rules, to be published. A copy of such proclamation shall be [pasted] [Substituted for the word 'posted' by Sixth Amendment Rules, 1977, published in Official Gazette, Series I No. 21 dated 25-8-1977.] at the headquarters of the Taluka, and in the village in which the holding is situated; and if necessary, to the Co-operative Bank or the Land Development Bank or both operating within the area in which the holding is situated.

### **4. Power of Collector to reject partition.**

- If after hearing the applicant, the co-holders and any other persons who appear, it appears to the Collector that there is sufficient reason for disallowing the partition, he may, by order in writing stating the reasons, reject the application.

### **5. Mode of effecting partition.**

- If the Collector does not reject the application, he shall proceed to effect the partition either personally or through such agency as he may appoint. So far as practicable, whole survey numbers or sub-division of survey numbers shall be allotted and recourse to further division of sub-division should be taken only in rare cases. Compact areas of land should, as far as possible, be allotted to each party and care should be taken to ensure that the productivity of the area allotted to each party is in proportion to his share in the holding.

### **6. Apportionment of assessment.**

- The assessment of the holding shall be distributed in proportion to the shares held in the holding by the co-holders, so however that when the total assessment of all the sub-divisions of any survey number in such holding falls, short of, or exceeds, the whole assessment of that survey number, the difference shall be equitably distributed over the sub-divisions by addition or deduction in the assessment so as to make the total equal to the assessment of the parent survey number.

### **7. Procedure before confirmation of partition.**

- After the partition has been completed, the Collector shall hear any objections which the parties may make, and shall either amend or confirm the partition. The partition shall take effect from the commencement of the agricultural year next following the date of such amendment or confirmation

of the partition.

## 8. Recovery of expenses of partition.

- Expenses of partition shall be recoverable by the Collector from the parties in the manner provided in sub-section (5) of Section 61.

## 9. Partition under decree of civil court.

- When any holding is ordered to be partitioned under any decree or order of a civil court, the provisions of rules 5, 6 and 7 shall apply as they apply in relation to partition of a holding on the application of a co-holder.

## 10. Saving.

- No holding shall be partitioned under the provisions of these rules, if such partition results in creating a holding less in extent than the standard area determined by the Government under the provisions of any law for the prevention of fragmentation and consolidation of holdings. Form 'A' (See rule 3) Notice To..... son of ..... resident of village ..... Taluka..... District. Whereas....., son of ..... co-holder of the holding specified below in village..... Taluka..... district..... has applied for partition of his share in the said holding; And whereas it is proposed to partition the said holding, and the date of hearing has been fixed for..... 19 ....., at..... O'clock at..... You are hereby informed that you should appear either personally or through a legal practitioner or recognized agent on the date fixed and state your objections, if any; In the event of your failure so to appear and state your objections, it will be assumed that you have no objection to the said partition. Particulars of the holding

Survey No./Hissa No. Area Land Revenue

Seal Collector

Dated:.....19 Form 'B' Proclamation (See rule 3) Whereas ....., son of..... co-holder of the holding specified below in village..... taluka..... district has applied for partition of his share in the said holding; And whereas it is proposed to partition the said holding, and the date of hearing the application has been fixed for.....19..... at ..... O'clock at..... All persons who are interested in the said holding are hereby informed that they should appear either personally or through legal practitioner or recognised agent on the date fixed and state their objections, if any; In the event of failure so to appear and state the objections on the date and at the place mentioned above, no objection will be considered. Particulars of the holding  
Survey No./Hissa No. Area Land Revenue

Seal Collector

Dated: ..... 19 .....