

The M.P. Vas-Sthan Dakhalkar (Bhumiswami Adhikaron Ka Pradan Kiya Jana) Adhiniyam, 1980

MADHYA PRADESH

India

The M.P. Vas-Sthan Dakhalkar (Bhumiswami Adhikaron Ka Pradan Kiya Jana) Adhiniyam, 1980

Act 4 of 1980

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The M.P. Vas-Sthan Dakhalkar (Bhumiswami Adhikaron Ka Pradan Kiya Jana) Adhiniyam, 1980(M.P. Act No. 4 of 1980)[Dated 6th August, 1980]Received the assent of the Governor on the 6th August, 1980; assent first published in the "Madhya Pradesh Gazette" (Extraordinary), dated the 8th August, 1980.An Act to provide for the conferring Bhumiswami rights on landless persons in respect of dwelling house and sites on or appurtenant to agricultural lands in non urban areas in the State of Madhya Pradesh.Be it enacted by the Madhya Pradesh Legislature in the Thirty-first Year of the Republic of India as follows :-

1. Short title, extent and application.

(1)This Act may be called the Madhya Pradesh Vas-Sthan Dakhalkar (Bhumiswami Adhikaron Ka Pradan Kiya Jana) Adhiniyam, 1980.(2)It extends to the whole of Madhya Pradesh.(3)It shall apply to all non-urban areas in the State of Madhya Pradesh.

2. Definitions.

- In this Act, unless the context otherwise requires,-(a)"agricultural land" means any land in non-urban area used for the purpose of agriculture;(b)"authorised officer" means a Sub-Divisional Officer or any other Assistant Collector or Deputy Collector specially authorised by the Collector in this behalf to exercise the powers of the authorised officer for such areas as may be specified;(c)"dwelling house" includes a hut;(d)"homestead" means a dwelling house situated on or appurtenant to an agricultural land which is complete in itself and is not shared in common with any other person other than a person belonging to the same family and includes any court-yard, compound, garden, place of worship, family grave-yard, tank, well, privy, latrine, drain and boundary wall annexed to or appertaining to such dwelling house and in actual physical possession

of the landless person on the [31st December 2014] [Substituted '31st day of December, 2011' by Act No. 29 of 2017, dated 29.8.2017.], Explanation. - [x x x] [Omitted by M.P. Act No. 42 of 1997.](e)["landless person" means a person who or his family does not hold any land or dwelling house; [Substituted by M.P. Act No. 42 of 1997.]Explanation. - For the purpose of clauses (d) and (c) "family" includes wife, son, daughter any lineal descendant of any son or daughter and a relation by blood or marriage wholly dependent upon the landless person.](f)words and expressions used in this Act but not defined shall have the meaning assigned to them in the Madhya Pradesh Land Revenue Code, 1959 (No. 20 of 1959).

3. [Act not to apply to certain homestead. [Substituted by M.P. Act No. 42 of 1997.]

- This Act shall not apply to the homestead, -(i)belonging to any local authority and religious endowment or situated on the private groves or orchards; or(ii)belonging to a member of Scheduled Castes and is in occupation on the [31st December 2014] by a member not belonging to Scheduled Castes or Scheduled Tribes; or(iii)belonging to a member of Scheduled Tribes and is in occupation on the [14th April, 2003] [Substituted by M.P. Act No. 31 of 2003.] by a member not belonging to such Tribes.Explanation. - In this section, -(1)"Member of the Scheduled Castes" means a member of any castes, races or tribes or parts of, or groups within castes, races or tribes specified as Scheduled Castes under Article 341 of the Constitution of India in relation to the State of Madhya Pradesh; (2)"Member of the Scheduled Tribes" means a member of any tribes, or tribal communities or parts of or group within tribes or tribal communities specified as Scheduled Tribes under Article 342 of the Constitution of India in relation to the State of Madhya Pradesh.]

4. Vesting of homestead.

(1)In any non-urban area, homestead occupied by a landless person in or appurtenant to an agricultural land on the [31st December 2014] [Substituted '31st day of December, 2011' by Act No. 29 of 2017, dated 29.8.2017.], shall on the said date be deemed to have vested in him in Bhumiswami rights provided he had been in possession thereof for one or more years prior to that date.(2)On such vesting of the homestead in the landless person, the original tenure holder shall cease to be a Bhumiswami of the area comprised in the homestead.

5. Restoration of possession.

- If such a Bhumiswami occupant of a homestead is dispossessed otherwise than in due course of law, from such homestead or part thereof, the authorised officer shall, on an application made by the said occupant of the homestead, within six months from the date of eviction, restore his possession and award compensation after following as nearly as may be the procedure laid down under Section 250 of the Madhya Pradesh Land Revenue Code, 1959 (No. 20 of 1959).

6. Appeal against the order of authorised officer.

- Notwithstanding anything contained in Section 56 of the Madhya Pradesh Land Revenue Code, 1959 (No. 20 of 1959), an appeal against the order passed by the authorised officer shall lie to the Collector of the district.

7. Revision.

- The order passed by the Collector shall be final except that the Board of Revenue may at any time on its own motion or on the application made by any party for the purpose of satisfying itself as to the legality or propriety of any order passed by the Collector or as to the regularity of the proceedings of the authorised officer call for and examine the record of any case pending before, or disposed of by such officer and may pass such order in reference thereto as it think fit: Provided that, - (i) no application for revision shall be entertained against an order appealable under this Act; (ii) no such application shall be entertained unless presented within ninety days to the Board of Revenue from the date of the order and in computing the period aforesaid, time requisite for obtaining a copy of the said order shall be excluded; (iii) no order shall be varied or reversed in revision unless notice has been served on the parties interested and opportunity given to them of being heard.

8. Exemption from Court Fees Act, 1970.

- Notwithstanding anything contained in the Court Fees Act, 1870 (No. 7 of 1870), every application or memorandum of appeal, or an application for revision under this Act, shall bear a Court fee stamp of Rs. 2 and the copy of the order passed by the authorised officer or Collector shall be granted free of cost.

9. Bar to the jurisdiction of civil Court.

- No Civil Court shall have jurisdiction to entertain any suit or try any dispute or pass any interim injunction, in a matter for the decision of which the forum and procedure have been prescribed by this Act.

10. Power to make rules.

(1) The State Government may make rules to carry out all or any of the purposes of this Act. (2) Any rules made under this Act shall be laid on the table of the Legislative Assembly.

11. Repeal.

- The Madhya Pradesh Vas-sathan Dakhalkar (Bhumiswami Adhikaron Ka Pradan Kiya Jana) Adhyadesh, 1980 (No. 10 of 1980), is hereby repealed.